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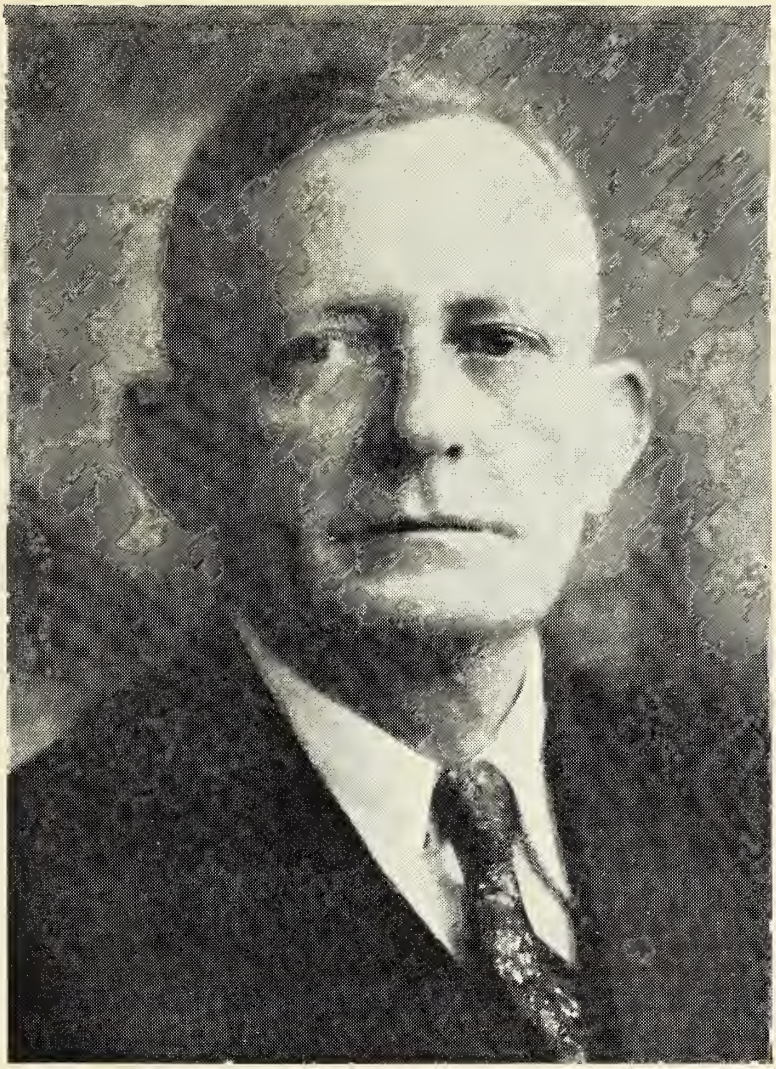

David Crawley, of Kosciusko, Miss.
Retiring President State Bar Association

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Mississippi Law Journal

JOURNAL of the MISSISSIPPI STATE BAR

VOL. IX SEPTEMBER, 1937 No. 5

STATEMENT OF THE NEW PRESIDENT OF THE STATE BAR

To the Members of the Mississippi State Bar:

Proudly conscious of the contributions of the Mississippi Bar to the legal profession of this nation, we are honored to render such services as within our power lies, that the Mississippi lawyer of today and tomorrow may be worthy successors to the many great men of our profession who have gone before.

What part has the legal profession played in the history of this nation? Even the vagrant wanderings of the mind to the proud record of matchless achievement of the lawyer impresses us with the sacred duty which is ours. No other profession has contributed so largely to the roster of statesmen and patriots as has the legal profession. No other profession affords so many splendid opportunities for noble service to country and humanity. It is our duty to see that the door of opportunity for this service is open to men from every walk of life who are blessed with that high birth of spirit which fires men to aspire to noble achievement.

Yet, is it not true that a large number of worthy men and women believe that it is the business and purpose of the lawyer to fashion fraud, connive with criminals, and guide the grafter along the paths of greed and render any service for the price of gold?

Is the charge true? To steal the word of he who gave us Eneas Africanus, "Everybody says it is."

And yet we know that the profession does not deserve the charge. If we admit that the charge is made, can we permit it to go unchallenged? As attorneys, we must purge the profession of those who desecrate a sacred calling. We must fix the responsibility for that which is done by the lawyer, upon the lawyer. The man who files a suit, should, in good conscience, be required to make a reasonable effort to know that the demand is just. The man who files a defense should make a reasonable effort to know that the defense is founded upon facts. The attorney is an officer of the court. Let him be made to walk as an officer, conscious of a duty which commands the best that is in him. When the attorneys are willing to take this position, there will be removed from the profession, to a great extent, those who are unworthy to follow it.

The question is, "Just what can be done that this end may be attained?"

A former President of this association pointed out the advantage of having frequent and regular meetings of the various local Bars throughout the state. Only good can come from meetings of this kind. If the President of every local Bar in Mississippi will insist that the members of his County Bar Association meet at least once a month and discuss the problems of the lawyer and other subjects calculated to instill in the lawyer a desire for nobler and more proficient service, he will do much for the profession. In every commissioner's district, at least three times a year, a meeting should be held to be attended by all of the lawyers of the district and other lawyers of the state, if possible, and the various problems which confront the lawyer should be openly and freely discussed. These meetings will mean that the members of the Bar will take a greater pride in their profession, will know each other better, and will entertain a greater affection and higher esteem for each other. The lawyer who indulges in unethical practices will find himself uncomfortable in the presence of his brother lawyers who know him. So believing, I respectfully urge upon my brethren that they cooperate to the end that these meetings may be held.

The mania for change in the law is constantly with us.

There is no state in the Union with a more admirable system of procedure and one more calculated to make possible a speedy and a just trial than the system of laws in vogue in Mississippi.

And yet the duty of this association to carefully study the law and endeavor to have certain changes made in the law is unescapable. Space will not permit me to do more than make this observation.

We hear much of committees and boards and councils vested with the power to pass upon facts and adjust controversies. These tribunals of advantage should be given close scrutiny. Time has taught that the safest method for the administration of justice is in the open court house where each litigant is represented by a champion, learned in the law. The man who has no confidence in a jury, selected according to law, and a judge, elected by the people, wants a board or a committee or a council to be substituted for a trial in open court. It is an open secret that such bodies are often composed of men who receive their appointment through political pull, and who are frequently obligated to those who make it possible for them to serve.

There is an effort to do away with the trial of causes in open courts, especially is this true of those who depend upon their ability to employ learned counsel and expert witnesses.

Who dares to estimate the blessings that have come to the American people as a result of trials in open courts? How many

young men have been taught to spurn wrong and detest deceit while standing in some crowded court room? How many young men's hearts have been fired to noble resolve under the spell of some lawyer, the compelling eloquence of whom found life and force solely in the consciousness of a righteous cause. How many knaves have abandoned a half formed purpose, when with sweating palm and palid brow they have seen the trickster trapped and the criminal caught, as the result of an open trial in the court house?

God forbid that the day should ever come when the people should be deprived of the conquering powers of public opinion which is formed touching every controversy and every tribune in a court of justice.

It is my ambition to have it said, at the expiration of my term of office, that I rendered such service as I could to the end that an open court and a fair trial was guaranteed to every citizen, and that good faith and worthy purpose was demanded of every lawyer.

For the honor conferred upon me by my brethren in selecting me President of this Association, I am deeply grateful. I approach the performance of the duty which is mine with fear and trembling. I ask the counsel and advice of every lawyer who would elevate the profession.

Sincerely yours,

MARION W. REILY, President,

Mississippi State Bar.

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Proceedings

of

Mississippi State Bar

Held At

Meridian, Mississippi

June 17th and 18th

1937

PROCEEDINGS OF THE THIRTY-SECOND ANNUAL MEETING OF THE

Mississippi State Bar

Held in the City of Meridian, Mississippi, on the 17th and 18th of June, 1937

THE PRESIDENT (Hon. David E. Crawley): The Mississippi State Bar, in its annual session, June, 1937, will now come to order.

I will ask Dr. Joseph A. Smith now to render an invocation.

DR. JOSEPH A. SMITH: Our gracious, Heavenly Father, we invoke Thy divine blessing and Thy conscious presence upon the sessions of this Mississippi Bar Association. Impress the heart of each one of us with Thy divine presence, with the reponsibility which high privilege confers; and open our souls to receive those spiritual insights that are in the nature of Providential guidance. We pray Thee that these men entrusted with the grave responsibility of interpreting truth in the form of law may also have within their own hearts the living truth, vital and precious to their very souls, that will become for them the touchstone of reality. Grant that each one of us at this time may become more conscious than ever before of the rights that are inherent in privilege, which are a part of the very structure of our moral and our spiritual universe, the inestimable value of love, the solidity of the right and duty of the strong to help bear the burdens of the weak; the high privilege and creative and redemptive power of vicarious suffering. Grant that these principles may become the stars in our heaven to guide us in the darkest night. We would also pray that in this period of grave uncertainty, when the poise of the heart of our nation is being violently disturbed, that we may receive the challenge not only of the purposes that are inherent in change, but also the challenge of the possibility and of the noble opportunities that are inherent in these uncertain times.

Oh, God, challenge the souls of these men who are the protectors as well as the interpreters of human rights with the glorious possibility of helping to usher in the next progressive stage in the evolution of law as that law applies to human rights and to human responsibilities, and to the glorious possibility of our great nation as we interpret and contemplate these principles of reality. And we ask it all in the name of Him who is the incarnation of truth.

—Amen.

PRESIDENT CRAWLEY: It gives the presiding officer not only an inestimable pleasure but intense satisfaction to have this

opportunity on this occasion to present one of his classmates, who will deliver the welcome address to the Bar on behalf of the Bar of this wonderful city which is now entertaining us, and the Lauderdale county bar. I take great pleasure in presenting to you Hon. Martin Van Buren Miller. (Applause).

HON. MARTIN VAN BUREN MILLER: Mr. President, ladies and gentlemen of the Mississippi Bar, I feel unworthy to address this body when I think of the fact that in the great galaxy of the great Mississippians of the past and the present nearly every one of them was a member of the Mississippi State Bar, from Sargent S. Prentiss on down the line. But however feeble my efforts may be, the message I bring to you is one that not only comes from my heart but from the hearts of the people of Meridian and Lauderdale county, and every member of our local bar.

Ladies and gentlemen, we feel this way about it: if there is a class of people in Mississippi, leaders of thought, leaders in moulding public opinion, shaping public policy, influencing the destiny of this great commonwealth of Mississippi, it is the membership of the Mississippi State Bar.

I heard the story of a little fellow that was on a Sunday School picnic. One of the teachers asked this little boy, Johnny, a question about what he must eat, what he must drink and what he must avoid. His answer was: Eat all you can, drink all you can, and avoid bursting.

We want you to do as you please over here; we want you to enjoy yourselves, but I have a feeling that you fellows, you ladies and gentlemen, are "kinder like" a hen-pecked husband. The affairs of that family between the wife and husband, was before the court, and a witness was testifying, and he was asked this question: What did you hear the husband say during that trouble? This witness said, "I did not hear the husband say anything; I saw him listening." Well, you folks are rather in the shape of that husband—whether you want to or not, so far as I am concerned, you have got to listen, but I promise you it won't be long.

I want to take this opportunity of saying to Dean Arant, our principal speaker, that we are delighted to have him leave Ohio and come back to the South he loves so well. He is an Alabama boy, stands in the East as an instructor in the law school like the great Southerner Martin W. Littleton up there to the practice.

We are quite fortunate to have Dean Arant. I hope the Dean will enjoy himself. We are fortunate to have his brother a member of the Jefferson county, Alabama bar, who a few days ago was elected president of the Alabama state bar association.

We people in Lauderdale county feel as if the best we can do is not good enough entertainment for this state bar. We feel honored and proud to have you. We hope every moment of your

stay will be joyous. We hope to have you come back, and everything that we offer in the way of entertainment, my friends, is the best that the people of good old Lauderdale county and this section of Mississippi can give you.

We feel happy and contented to know in our mind that when we do that for the bar, they will enjoy themselves, they will appreciate it and they will come back.

Again, may I express to you our appreciation for your presence and say again that we hope every moment of your stay will be a happy and a pleasant one. I thank you. (Applause).

PRESIDENT CRAWLEY: There has been a slight change made in the printed program. Mr. Vinson, the mayor of the city, is unable to appear, and Mr. B. J. Pollman, president of the Chamber of Commerce, will function instead of Mr. Vinson, and will deliver the welcome address to the Bar association now in behalf of the city of Meridian.

MR. B. J. POLLMAN: Mr. President, ladies, distinguished guests, members of the Mississippi State Bar Association, it is a great privilege and a pleasure for me to welcome you to Meridian. Mr. Vinson, this morning, came by and said that an unexpected call from Jackson required that he be over there at eleven o'clock, and he asked me to welcome you in his place. In my position as president of the Chamber of Commerce he felt that if you could not have the best by having the mayor, you should have the second best that we had to offer, the president of the Chamber of Commerce. (Laughter).

However, as this may be second best, I am sure that the local bar committees who are looking after the arrangements of entertaining their guests here, and planning for your conference and your convention, are leaving nothing undone to make your stay here pleasant.

All of our citizens are very, very happy to have you with us on this occasion, and it is our hope, our desire and our wish that you will carry back when you leave a happy memory of new and firmer friendships made with your associates, that the time that you spend here with us will be one of the happy occasions of your life.

In closing, I want to say that all of Meridian is at your service. Anything more that we can do for you while you are here, it will be our great pleasure to do. We welcome you and wish for you a very happy and profitable convention. Thank you. (Applause).

PRESIDENT CRAWLEY: Hon. R. C. Stovall, a member of the board of bar commissioners of the Mississippi State Bar, and a member of the bar of Mississippi, will now deliver the response to the welcome addresses which you have just heard. Mr. Stovall. (Applause).

HON. R. C. STOVALL: Mr. President, ladies and gentlemen: In arranging the program, the commissioners refused to have any hand in the selection of a speaker to respond to the addresses of welcome other than instruct the president that he name a small-town lawyer in order to give the program balance. When the honor came my way I attempted to demur, not because of the title, but on the ground that I performed a similar function at the Gulfport meeting a few years ago. To this, Mr. Gipson of your local bar, replied that he was at the Gulfport meeting but not only did not recall the speech, but neither the speaker. (Laughter). I could obtain a copy of my speech from the secretary for use here. Since all of you read so avidly the Law Journal in which that speech was printed, there is little need of an oral paraphrase, so that the best that I could do would be to file that speech with the reporter and say with a bow to Hamlet "The rest is silence."

However, the gracious reception accorded us should prompt a few moments' trespass upon your patience to make one or two observations not contained in that Gulfport speech.

It is always a pleasure to attend the meetings of the Mississippi Bar but it is peculiarly a pleasure when those meetings are held in such a place as Meridian. I do not know where your fair city got its name. I wonder if it came from the Latin Merides, "noon-day sun," brightest light in all the firmament, for surely Meridian, with its brilliant lights of the State Bar is today the brightest light in the firmament of Mississippi.

We are expecting great things of our visit here, especially since Meridian has been so ably press-agented by my distinguished friend, Thomas L. Bailey. He has boasted of everything from a twenty-four story building on a three-foot lot to a factory for the manufacture of silk hose which will be air conditioned and cooled throughout. (Laughter). All of us married lawyers are under strict orders to bring home some of those air-cooled hose as souvenirs. Of course, I do not mean that as a hint—a good lawyer never hints.

Your welcome to us began before we reached your city limits, when we crossed your line and began to enjoy Lauderdale county's good roads. We shall enjoy, too, your good hotels, your very attractive theatre. We shall get our mail, if any, at your magnificent new post office, but we shall not visit your splendid school system. If that system is good enough to serve as a model for the National Education Association, we who attended the little red school houses might acquire an inferiority complex from obtaining an education then and an education now, and a good lawyer never suffers from an inferiority complex. We shall spend our nickels, if any, at your fine stores, and lose our hearts, if any, to your pretty girls—all strictly within the limits of the law, since we hear that your jail accommodations are none too good. (Laughter).

Many of the names on the roster of the Mississippi bar are the names of Meridian's beloved sons. We call today Colonel John W. Fewell, soldier, scholar and statesman, one of the outstanding members of the Constitutional Convention of 1890; James H. Currie, who served for three terms as district attorney, and one of the ablest in the state; and W. E. Baskin, splendid lawyer and fine upright man.

It is an inspiration to be in a place with a history of such illustrious men.

We thank you for your welcome, and assure you that we are indeed glad to be with you. (Applause).

PRESIDENT CRAWLEY: The next item we have on the program, ladies and gentlemen of the Mississippi State Bar, is one for which we are peculiarly indebted, that is a vocal solo to be rendered by Miss Helen Reily.

(Miss Reily sang "Will You Remember" from "Maytime" and as an encore, "The Street Fair" from "Sketches of Paris" by Manning. Miss Reily's accompanist was Miss Rellie Mae Still.)

PRESIDENT CRAWLEY: Ladies and gentlemen of the Mississippi State Bar, at this time I take great pleasure in presenting to you Honorable T. C. Kimbrough, Dean of the Law Department of the University of Mississippi, who, in turn, will introduce to you our principal speaker. Judge Kimbrough. (Applause).

JUDGE T. C. KIMBROUGH: Mr. President, ladies and gentlemen of the Mississippi State Bar Association:

I wish first to thank most sincerely the distinguished President of our Association, for his generous references to the Law School, and the honor he has conferred in asking me to present the annual speaker.

Our guest and speaker for this occasion, is the distinguished Dean of The College of Law of Ohio State University, and the present Secretary of The Association of American Law Schools, and if the custom of that organization is adhered to, and I know of no reason why it will not follow the usual custom, the speaker for this occasion will be the next President of the Association of American Law Schools—the highest honor within the gift of the organization.

Our guest is a native of the state of Alabama, was reared there, and educated in the University of that State. I might say in this connection, that it is our pleasure to have present in the audience today as guest of the Association, his brother, Honorable Douglas Arant, prominent member of the Birmingham Bar, and who is now serving in the capacity of president of the Alabama State Bar Association.

The keen pleasure which it affords me to introduce the speaker grows out of the fact that in the past he has been a constant and unwavering friend of your State Law School, our Law School. I well recall, at one time, the Law School was sadly wanting in the necessary physical equipment, together with a deficiency in numbers in the faculty. It was difficult to convince the legislature of our urgent needs in these respects. We applied to the Association of American Law Schools for membership and recognition. We needed friends in those days to advise and assist us. The speaker for today, generously came to our assistance, stood by us and helped in the fight we had to make in order to secure recognition. His friendship was most helpful, it was constant and unwavering, for which we owe him a debt of gratitude.

I recall seven years ago, when all of our major state educational institutions were thrown out of their accrediting associations, the Law School met the same fate. It was highly necessary for us to regain our standing at the earliest possible time in order to prevent many young men from attending law schools outside the state for their legal education, and for the further and more important reason, the work done by students in the Law School received no recognition by other schools approved by the accrediting agencies.

Our speaker for today, came to our help in this crisis, and rendered valuable aid when the fight was made to be admitted again to membership in the Association of American Law Schools. I recall that on this occasion, when our speaker was told by some one that recognition might be longer withheld from us, said in no uncertain language, "If that kind of a program is attempted, I will simply raise hell."

Mr. President, ladies and gentlemen, it is therefore, with peculiar pleasure I present to you the speaker of the day, the longtime, loyal, and consistent friend of the University of Mississippi Law School—Dean Herschel W. Arant. (Applause).

(The audience arose.)

DEAN ARANT: It was a great honor to be introduced by my good friend, Judge Kimbrough. I wish that he had not been mistaken about anything he said, but he has described me in such a way that it could not be otherwise than that he has erred. I feel that he has made something of the same kind of a mistake that a small boy said God made on one occasion. The little fellow had gone to Sunday School, and on his return his father said, "What was the Sunday School lesson about today?"—and the father knew in advance of the question what the Sunday School lesson was about because he had seen the little fellow's Sunday School leaflet and knew that the motto text was "And Enoch was not, for God took him." In answer to his father's question the little fellow said: "Enoch was not what God took him for."

In his invocation this morning Dr. Smith, in asking divine guidance for a profession which he believed to be the element in our society best able to guide us to a better social justice, he rephrased the topic of my address—Today's Challenge To The Lawyer. It is now eighty years since Lord Macaulay penned in frank fashion his views concerning the durability of American institutions. Inasmuch as I propose to make the views he expressed in a now famous letter the point of departure for what I shall have to say this morning, I hope you will bear with me while I read this somewhat lengthy and remarkable letter. It was written to express the writer's thanks for a four-volume Colonial History of New York that had been sent to him. I am omitting the introduction and conclusion. He said:

> "You are surprised to learn that I have not a high opinion of Mr. Jefferson, and I am surprised at your surprise. I am certain that I never wrote a line, and that I never in Parliament, in conversation or even on the hustings—a place where it is the fashion to court the populace —uttered a word indicating an opinion that the supreme authority in a State ought to be entrusted to the majority of citizens told by the head; in other words, to the poorest and most ignorant part of society. I have long been convinced that institutions purely democratic, must, sooner, or later, destroy liberty or civilization, or both.
>
> "In Europe, where the population is dense, the effect of such institutions would be almost instantaneous. What happened lately in France is an example. In 1848 a pure democracy was established there. During a short time there was reason to expect a general spoliation, a national bankruptcy, a new partition of the soil, a maximum of prices, a ruinous load of taxation laid on the rich for the purpose of supporting the poor in idleness. Such a system would, in twenty years, have made France as poor and barbarous as the France of the Carlovingians. Happily, the danger was averted; and now there is a despotism, a silent tribune, an enslaved press. Liberty is gone, but civilization has been saved. I have not the smallest doubt that, if we had a purely democratic government here, the effect would be the same. Either the poor would plunder the rich and civilization would perish, or order and prosperity would be saved by a strong military government, and liberty would perish. You may think that your country enjoys an exemption from these evils. I will frankly own to you that I am of a very different opinion. Your fate I believe to be settled, though it is deferred by a physical cause. As long as you have a boundless extent of fertile and unoccupied land, your laboring population will be far more at ease than the laboring population of the old world, and, while that is the case, the Jefferson

politics may continue to exist without causing any fatal calamity. But the time will come when New England will be as thickly populated as Old England. Wages will be as low, and will fluctuate as much with you as with us. You will have your Manchesters and Birminghams, and in those Manchesters and Birminghams hundreds of thousands of artisans will assuredly be sometimes out of work. Then your institutions will be fairly brought to the test. Distress everywhere makes the Laborer mutinous and discontented, and inclines him to listen with eagerness to agitators who tell him that it is a monstrous iniquity that one man should have a million while another cannot get a full meal. In bad years there is plenty of grumbling here, and sometimes a little rioting. But it matters little, for here, the sufferers are not the rulers. The supreme power is in the hands of a class, numerous indeed, but select; of an educated class; of a class which is, and knows itself to be, deeply interested in the security of property and maintenance of order. Accordingly, the malcontents are firmly yet gently restrained. The bad time is got over without robbing the wealthy to relieve the indigent. The springs of national prosperity soon begin to flow again; work is plentiful, wages rise, and all is tranquility and cheerfulness. I have seen England pass three or four times through such critical seasons as I have described. Through such seasons the United States will have to pass in the course of the next century, if not of this. How will you pass through them? I heartily wish you a good deliverance. But my reason and my wishes are at war, and I cannot help foreboding the worst. It is quite plain that your government will never be able to restrain a distressed and discontented majority in the government, and have the rich, who are always a minority, absolutely at its mercy. The day will come when in the State of New York, a multitude of people, none of whom has had more than half a breakfast, or expects to have more than half a dinner, will choose a Legislature. Is it possible to doubt what sort of a Legislature will be chosen? On one side is a statesman teaching patience, respect for vested rights, strict observance of public faith. On the other is a demagogue ranting about the tyranny of capitalists and usurists, and asking why anybody should be permitted to drink champagne and to ride in a carriage, while thousands of honest folks are in want of necessaries. Which of the two candidates is likely to be preferred by a workingman who hears his children cry for more bread? I seriously apprehend that you will be in some such season of adversity as I have described, and do things which will prevent prosperity from returning; that you will act like people who should in a year of scarcity devour all the seed corn, and thus make

> the next years not of scarcity, but of absolute famine. There will be, I fear, spoliation. The spoliation will increase the distress. The distress will produce fresh spoliation. There is nothing to stop you. Your Constitution is all sail and no anchor. As I said before, when a society has entered on this downward progress, either civilization or liberty must perish. Either some Caesar or Napoleon will seize the reins of government with a strong hand, or your Republic will be as fearfully plundered and laid waste by barbarians in the 20th Century as the Roman Empire was in the fifth, with this difference, that the Huns and Vandals who ravaged the Roman Empire came from without, and that your Huns and Vandals will have been engendered within your own country by your own institutions.
>
> "Thinking this, of course, I cannot reckon Jefferson among the benefactors of mankind. I readily admit that his intentions were good and his abilities considerable . . . I have no doubt that I shall derive both pleasure and information from your account of him."
>
> (Signed) T. B. Macaulay

There are at least two things which must impress one about these views. In the first place, Lord Macaulay appears to consider the continued enjoyment of privilege by the relatively few as essential to the continuance of civilization. Because he saw no guaranty in the American Constitution that the position of the privileged would be perpetuated, he prophesied the doom of our liberty or civilization or both. The other thing that one must note with interest is his recognition of the fact that hunger breeds revolutions. "Distress everywhere makes the laborer mutinous and discontented," says he, "and inclines him to listen with eagerness to agitators." His dispassionate mention of the sufferers, who riot when they are hungry, but are "firmly yet gently restrained" by their rulers, is consistent with the view he seems to hold that the great majority do not matter anyhow. As long as Macaulay was unconcerned about the conditions under which the great majority of people lived and saw in the English system of government a means of keeping them in a state of subjection, he could well view with complacency his England and deplore the certain disaster that would overtake his cousins across the sea. It is also interesting to note that in his conception of liberty he appears to be concerned chiefly about the ruling class.

Some of the things Macaulay says cannot be laughed off. Men who are hungry have always been willing to steal and rob and commit other forms of violence. Against these our police systems are organized, but Macaulay was not warning us so much that our police system would be inadequate to this task as that the arming of the general run of people with the ballot would make the rabble the law makers and lead to the destruction, under and in accord-

ance with law of the position of the few, seemed by him to be essential to the preservation of civilization and liberty.

Whatever may have been the source of the idea, the American system of government was grounded upon a recognition of the dignity and sacredness of human life. The immortal Declaration of Independence, selected by Jefferson as one of the three achievements for which he hoped to be remembered by posterity, generously and nobly asserted the inherent worth of the humblest and poorest among us. Our Constitution envisages the preservation of democracy because it embodies liberty and the right of self-expression which have fundamental and intrinsic value in themselves.

The American system has survived the greatest civil war in history. Under it we have conquered and settled a continent. It has held out hope to the persecuted of Europe and we have received and absorbed some forty million immigrants from many races and climes. A great people have grown in orderly fashion and on the basis of slow experience have evolved a social and industrial system that enjoys the admiration of the world.

And yet as we look about us, the democratic way of life is on the defensive everywhere. The map of Europe is marred with blotches of red, black or brown dictatorships. The list of countries is dwindling in which it is not unpatriotic to think. Truth is established by government proclamation and youth is being regimented in the interests of a narrow nationalistic life pattern. Academic freedom has ceased to exist and the flower of German, Italian and Russian scholarship have been scattered into friendless exile, lonely poverty or into the terror of concentration camps. Fascism and communism alike hate democracy. They oppose discussion as the foe of action and view the liberty of the individual as an obstacle to social progress. And yet the swastika, the brown shirt and the hammer and the sickle have become the symbols of a better day for millions. But the changes that have taken place in the countries to which reference has been made have resulted from the adoption of counsels of desperation. The right of self-expression and nearly all that liberty has ever suggested have been surrendered by millions for a way of life that has given or has promised more of the basic creature comforts of life. This all accords with what Macaulay said, that the hungry and unemployed will always follow a leader who promises amelioration of their condition.

The frequency with which we have discussion of the question whether democracy is doomed I offer as my excuse this morning for inquiring how far we have proceeded toward the destiny to which Macaulay said our system of government had sentenced us. Our present day prophets of gloom start in their thinking with the fact asserted by Macaulay, that the underprivileged constitute soil fertile for the germination and growth of the seeds of prejudice and will listen to the demagogue's promises.

In unemployment and the tremendously unequal distribution of wealth they see the stage set for the demagogue and the consequent foreboding of a dictatorship of some kind.

Is there any basis for this gloom? Is Macaulay's phophesy on the way to fulfillment?

One fact that Macaulay noted in England was the unequal distribution of wealth. Inequality in this respect has existed in America from the beginning. In various connections, particularly in discussions of various forms and schemes of taxation, attention is being called to it nowadays. In a report by the Brookings Institution, made about three years ago, some interesting statements appear concerning the distribution of our national income in the year 1929, most of which is generally considered as belonging to the era of prosperity. In that year nearly 6,000,000 families, or more than 21% of the total, had incomes under $1,000. About 12,000,000 familes, or more than 42% had incomes less than $1,500. Nearly 20,000,000 families, or 71%, had incomes under $2,500. Only a little over 2,000,000 families, or 8%, had incomes over $5,000. About 600,000 families, or 2.3%, had incomes in excess of $10,000. "At 1929 prices," the authors of this report comment, "a family income of $2,000 may perhaps be regarded as sufficient to supply only basic necessities . . . . It is significant to note that more than 16,000,000 families, or practically 60% of the total number, were below this standard of expenditures." In the year 1929, 36,000 high income families received as much of our national income as 11,000,000 families with the lowest incomes. In this respect, I doubt if the situation in America today is very different from that which prevailed in England when Macaulay wrote and when he felt so sure that it would have been disastrous for the power that inheres in the ballot to have been conferred on the people generally.

You will recall that Macaulay admitted that the Jefferson theories would not produce calamity as long as free land was available. This supply has now been exhausted. The significance of this fact, which, together with unemployment and low wages, Macaulay said would bring us to disaster, is not generally appreciated. When free land existed, not only was there an outlet for the discontented, but the West was looked upon as the land of opportunity. There are still substantial, though diminishing, differences between different parts of our country, but there is no longer a generally available supply of free land, and the discontented and those who are not able to get along satisfactorily in one part of our country cannot hear the beckoning voice of opportunity in some other part.

But there is another fact in this connection that must be noted. We are living under a system of laws that originated at a time when we were a nation of 5,000,000 farmers and small traders and when there was apparently an inexhaustible supply of land. Moreover in that day the fundamental problem of most people was to ob-

tain a reasonably adequate supply of the material goods of existence. Material things condition our scale of living. In those days the struggle was essentially with nature, and man endeavored to wrest from her food, clothing and shelter. The land was the source of all these, as it still is, but there was plenty of land. As long as this was so it was easy to concede that he who had courage, initiative and strength to measure swords with Mother Nature should enjoy the spoils of conquest. Everyone else had the same chance, and if any failed it was because they were lacking in courage, initiative and strength.

Lawyers do not need to be told that our legal theory of property rests upon the notion that conquest in this struggle confers ownership of property that everyone else must respect. It should be noted, however, that this notion, which undoubtedly has long enjoyed an ethical standing is founded upon the notion of practical equality of economic opportunity. It is a matter of common knowledge now, however, that scientific discoveries and the invention of labor-saving machinery have resulted in a capacity in a relatively small number of our people to wrest from Mother Earth all that is needed for all of us to subsist upon. It is also true that for a considerable period of time the number of our people who have been engaging in the business of extracting from the earth the primary elements of our existence has been gradually diminishing. The rest of us are engaged in the manufacture and distribution from the basic products of the earth of the various things which we have come to consider as necessaries or luxuries, essential to what we think of as a constantly rising scale of living.

While this development and change have been going on, there has been an increase in the exploitation of the principle of division of labor. So far has this gone that there is nowhere in this country at the present time a family that can be thought of as a completely self-sustaining economic unit, even under what we would now consider the most primitive kind of living conditions. We are all dependent on one another, some of us in much greater degree than others. Few of us consume substantially all we produce, and none of us is able to subsist alone on what he produces. The situation in this respect is suggested when we recall that three people out of every four who are gainfully employed are employees. No longer, therefore, does our citizenry compete with nature for the conditions of a tolerable or satisfactory living, but the competition has come to be between man and man. The privilege or opportunity of competing with Nature exists only for the few, for the reason that the supply of land that is practically available extends only to a relatively few.

The employee competes with his employer, and when there is a scarcity of labor, employees also compete with each other. These facts, together with the vastly uneven distribution of income, are enough of themselves to suggest that there is a problem of more

fully adjusting our rules of law to these changed conditions. The three who are the employees of the fourth have no practical choice about being employees, as conditions in the country into which they are born have evolved. The power and control of the employer over the employees' conditions of living and the need for their regulation have already been reflected in statutes which regulate working conditions, hours, etc.; but the spectacle of many millions of our people being without available employment and therefore under the necessity of being supported by the public, constitutes a challenge that cannot be ignored.

We have witnessed in the last few years an attempt to do something about this general situation. Many regard this attempt as having failed miserably, while others have nothing but words of commendation and praise. That there should have been mistakes made in so far-flung an effort was inevitable. That there should have been much waste is likewise inevitable under a democratic form of government which has been so thoroughly shot through with the Spoils System. A way must be found to enable men generally who would work to do so and be able to live and at the same time enjoy some basis for self-respect. I do not profess to be wise enough to provide the answer to the question which I am trying to reveal as the challenge of today to the legal profession.

Macaulay understood, as everyone else does today, that political power is vitally related to and capable of substantially influencing, if not completely determining, economic and social conditions. It was for that reason that he feared what would happen to the class with which he identified himself in England, if the power to rule was held by the common run of people. I do not need to say to this audience that all governmental power in the last analysis rests upon force, and force ultimately rests upon man power. Not every man is the equal of every other man in power, and it is true that a small number of men of superior learning and intelligence may be the equal in power of a larger number of ignorant men. The intelligent man will call to his aid in a struggle all the aids that science and invention have taught him how to use, but even this advantage of the few we are undermining as fast as we can through our system of public education. As we develop our system of education, we tend to make men more nearly equal as to power of every sort. Our concern about public health problems tends in the same direction. This in my judgment is as it should be. The thing that Macaulay feared and the thing that must soberly concern every thoughtful person is what may happen before all our people become educated into an understanding of the economic and social system under which we live. Disaster, economically and politically, may be the result of a sudden and short-sighted attempt to remove what can so easily be made to appear as unjust and indefensible economic inequalities under a system of government which is founded upon the notion of political equality.

It seems to me that the legal profession constitutes the class in our society that can best provide a protection against what may easily be the disastrous consequences of a too sudden attempt to produce what may be regarded as social justice. I do not think that I am constructing a "bogie man." I do not believe that there has been a time in the history of our country when there was so much class consciousness as there is today. You have but to look around you and note the various forms of organization to appreciate that this is so. The power that inheres in organization is coming to be understood everywhere. The better educated and more enlightened among us have understood it longer. The more ignorant among us are coming to understand it, and those among us who are better off and more enlightened appreciate the danger that inheres in too thorough and comprehensive an organization among those who believe their interests to be adverse to those of some other group or groups.

At the present time we are witnessing an attempt to organize labor along lines that are promising of more power and control in the laboring man. What might happen if the present attempts at labor organization suddenly succeed, may well give us pause. I do not expect to see the time when any substantial part of our people will act on any basis other than that of selfishness. For nearly two thousand years the apostles of Jesus of Nazareth have been preaching the unselfish way of life, and while there has undoubtedly been improvement, I do not yet believe that any one of us yet regards himself as in any substantial sense his brother's keeper. We still proceed on the assumption that advantages must be gained or lost in competitive battles. Except in rare instances the employer considers that it is economically necessary and ethically justifiable to pay only what he has to pay to labor, and labor feels ethically justified in getting all it can by any means available. The time was, of course, when such a thing as labor union was illegal and punishable. This is no longer so, and it is now coming to be more or less generally conceded that labor has a right to organize.

The questions that now engage our attention are as to the means which labor can use to extend its organization and, consequently, its power. The striking fact is that the continuance of the battle as the means of adjusting differences between capital and labor is contemplated. This might be viewed with a measure of equanimity if it were true that only the immediate participants in the battle were affected. It is a matter of common knowledge, however, that this is no longer so. If the longshoremen strike on the Atlantic seaboard, the food supply of a substantial portion of our people is cut off in a relatively short time. The public, figuratively speaking, become victims of the stray bullets that are shot by the combatants. We long decided that *A* and *B* cannot settle their differences by resort to force and arms. They must submit their differences to public authorities. It is true, of course, that in this area of the law we have not yet extended our rules generally

to the matter of bargaining between *A* and *B*. Everyone understands, however, that even some bargains between *A* and *B* are a matter of public concern and certain bargains will not be enforced if made. In this connection the attitude of the law has been dictated by what has commended itself to be in the general interest. I do not believe that the day is far off when in the relations between capital and labor, the public interest will be recognized as being so substantially involved that we shall say to employers and employees, "You must submit your differences to an impartial tribunal whose vision is not clouded or warped by self-interest. We cannot allow you to fight between yourselves over your differences, because in so doing you injure or may injure innocent people who are not immediately involved in your fight.

If the legal profession cannot furnish a leadership that will make some contribution to the solution of this most vital problem, I do not see any element in our society that is likely to furnish it. The legal profession by training should be able more clearly to see the implications of the continuance of the present system of regulating the relations between capital and labor than any other class. Before our leadership will be accepted, however, we must inspire the public's confidence in our understanding of the problem and in our determination to achieve a social system in which, while everyone may not get all he wants, he can have a life of such a standard as is required by the inherent dignity and worth that was ascribed to him as a human being in the immortal Declaration of Independence, and our Constitution which followed it.

But the trouble with the legal profession in attaining this position of leadership is that we have not kept our own house in order. Under a false notion that the legal profession must be kept democratic, we have admitted hundreds to our ranks who have neither the training, ability or character required by the high duties of the profession to which we belong. Woodrow Wilson, a good many years ago, inquired what had become of the general practitioners of the law from whom we used to get our statesmen.

An overcrowded profession, with the resulting difficulties for each member of it in the matter of making a living, has deprived our lawyers in large part of either the capacity or temper for leadership. Once a client of substance has been obtained he must be kept. This necessity too often results in the lawyer's surrender of his conscience and his ethics to his client. The lawyer has come too generally to be regarded as an ordinary employee, who is expected to find the means of doing whatever his client wants done. Worse than this, too many of our lawyers are not sufficiently learned as lawyers to take care of legitimate business of well meaning clients. The economic necessities incident to overcrowding often compel lawyers to take advantage of clients, with the result that the profession has fallen into disrepute. A few days ago, I noticed a statement from a prominent New Jersey lawyer to the effect that in his county there were 2,000 lawyers where there was

not enough business to support more than 750, with the consequences that most of the lawyers could not live without stealing. What an amazing statement this is! And what an indictment against a profession that has not been sufficiently enlightened to understand that neither its interest nor the public interest can be adequately served when the bars are let down and all manner of men are armed with a license to practice law and prey upon the ignorant and unwary!

In many sections of our country, the educational standards for admission to the bar are scandalously low. We cannot expect or deserve the public's confidence until we do something about this matter.

The possession of good moral character is doubtless the most important qualification for the practice of law. There is no very adequate way of testing a candidate's possession of character at the time he applies for admission to the Bar. Too often only trial reveals the lack of good character. Manifestly, the withdrawal of the license is required when lack of character is revealed. It is my belief that the legal professon has fallen down worse in dealing with the morally unfit in its ranks than it has with the matter of education. It requires conduct serious enough to constitute a crime and proof thereof by evidence clear enough to convict on an indictment to get a lawyer disbarred.

Some progress has been made in this direction in those states which have the all-inclusive Bar. The advent of the all-inclusive Bar organization, however, has not so generally resulted in the enactment of decent educational standards. The Bar must face more courageously and intelligently the problem of selection of its new members and elimination of those who show themselves unfit, and it must acquire a real interest in the public welfare if it is to furnish the leadership which I believe to be all that can save us from much of the disaster predicted by our English cousin three-quarters of a century ago.

Only an educated and enlightened Bar can have the interest and concern which our present situation requires. No thoughtful or well-informed lawyer can be unconcerned. We owe it to our lawyers, however, to bring about an economic condition in our profession which will enable a lawyer to make a decent living and yet be able to devote some time and thought and reflection upon the public interest. This cannot be as long as our standards of admission are so low that anyone who wishes to take his fling at the law, with the idea that it is an easy way to make a living, is allowed to do so.

Today's challenge to the legal profession is to recruit a leadership for our country that is enlightened and courageous. This cannot be accomplished without the adoption and enforcement of high standards for admission to the Bar.

PRESIDENT CRAWLEY: Ladies and gentlemen of the Mississippi State Bar, permit me in your behalf to extend Dean Arant our great delight in having him present, having listened to the remarks that he has made, which are so intensely connected with every fiber of our national being.

Now, Mr. Jacobson is going to make a few remarks, and then if you will permit it, your president will deliver a short address, which will close this session.

HON. GABE JACOBSON: Ladies and gentlemen, I will thank you to indulge me while I give you the program for this afternoon and evening. In addition to the program to be carried on at the convention hall at the Lamar Hotel, there will be the following entertainment: At four P. M. a reception for the ladies at the Northwood Country Club. Cars will leave the Lamar Hotel beginning 15 minutes to four o'clock to convey the ladies wishing to go to that reception. At six P. M. there will be a barbecue at Highland Park. There will be cars at the hotel and the cars will be marked with posters inviting the bar to ride. At nine P. M. there will be a reception and dance at the Northwood Country Club, and we will have cars to convey those who have no way of conveyance.

Chancellor Amis desires me to announce that all of the judges of the supreme court, circuit judges and all judges and chancellors are invited to his home at an open reception between 5 and 6 P. M. Chancellor Amis' home is right on the way to Highland Park, 1203 38th Avenue, and he wishes you to come there to an open reception.

He also wishes me to announce that he would like to see the chancellors in the lobby of this hotel immediately after adjournment.

I also wish to state that I desire to have all the past presidents as my guests at a breakfast tomorrow morning at eight o'clock at the Lamar Hotel. I wish the past presidents would attend. I would also like to have the past presidents give their names at the registration table at the Lamar Hotel this afternoon, so we will know for how many to prepare.

I thank you very much. (Applause).

PRESIDENT CRAWLEY: Ladies and gentlemen, it is my judgment inasmuch as it is 12:15 it would be better to postpone the address of your president until a later hour. Is there any objection to that?

VOICES: No.

If not, the meeting stands adjourned until two P. M. when we will meet in the convention of the Lamar Hotel, at which time I shall address you.

AFTERNOON SESSION

JUNE 17, 1937

PRESIDENT CRAWLEY: Mr. Jacobson has a telegram he wishes to read to you.

MR. JACOBSON: (reading) "Greetings to you and to the association. Regret more than I can say my inability to attend your convention. (Signed) Ross A. Collins. (Applause).

MR. JACOBSON (in the chair): Members of the bar, as you know, President Crawley's address was to have been given before luncheon, but on account of being crowded for time, it was postponed to take place at the convening of the afternoon session. I know it is entirely useless for me to present Dave Crawley to this association. However, I am going to take the presumption to present to you David Crawley, our president.

MR. CRAWLEY: Ladies and gentlemen of the Mississippi State Bar Association, this is the second time in my life that I have spent any considerable time in the preperation of an address and reducing it to writing. I did it for the sole and only reason that I was fearful that Dave Crawley on this occasion would give expression and vent to his own feelings instead of saying those things that might prove to be acceptable to the bar of Mississippi as a whole.

If I were to launch into this little brief discourse without making that statement, I am sure that there are many of you gentlemen who know me and who know my thoughts and who know my inclinations and who know my beliefs, would wonder just how it happened that this creature came into being. I wrote it but I did not say everything that I thought. (Applause).

In addressing the annual meeting of the Bar Association of this great state—and it is a great state—God bless it—I love its people and you love its people—we love its hallowed traditions, we love to talk around our firesides to our children about the great and glorious accomplishments of the Mississippians who have had their career upon the stage of action and who have passed into the Great Beyond but have left an indelible imprint upon the minds of the people and the consciousness of the people, not only of the state of Mississippi, but probably of this entire nation. It is with a full realization of the fact, as I stand here on this occasion, that others of greater gifts and accomplishments have often preceded me. These lawyers, brilliant luminaries in the legal profession, and their profound discussions, have rendered it difficult for me to gather even a few thoughts on the present occasion or to discover a new field which has not heretofore been fully explored. I venture, however, to speak briefly of the one subject that lies near and dear to the heart of every member of our noble profession, the Birthright of our Nation and the part that those who are learned in the law

have played in defining those rights and privileges of and the corresponding duties and responsibilities that rest upon each citizen of this commonwealth and designed to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity. To this end, the Constitution of the United States, that monumental document of freedom, was ordained.

The duties of attorneys are prescribed by the statute of our state and may be briefly summarized as embodying the cardinal elements of human progress and civilization; namely, honor, dignity and courtesy.

A lawyer is one who is versed in the law. The influence of that profession is shaping the course of conduct of the affairs of men is not left in doubt on the pages of history. It is safe to assume that the most benign governments ever known to mankind, the most liberal institutions securing and insuring social order and domestic tranquility in every age have been devised and established by the great lawyers of the world. It is to these men, masters of the laws of their countries, men who understood the meaning of justice between man and man, that have possessed the power in human affairs as far reaching and as enduring as time itself.

The Mosaic law, though ascribed to divine inspiration, nevertheless stands as work of the law-givers of Israel, educating and toiling as the agents of the Most High. We find embodied in the Mosaic law almost every principle of the common law as well as the principles now embodied in the statutes of our nation.

The walls of Jericho may crumble into dust, the battle fields of Judea may no longer be pointed out with any degree of certainty but that imposing structure, the Mosaic law stands as written, having survived throughout the centuries and it stands today as a beacon to light the pathway of every ardent student of the philosophy of the law.

Lycurgus, the Spartan law giver, more than seven hundred years before the dawn of the Christian era, at a time when Sparta was in a state of anarchy and licentiousness, was commissioned to re-write its laws. He undertook the task and performed it nobly. He met with opposition but all opposition was over-borne and the whole constitution, military and civil, was remodeled. After Lycurgus had obtained for his institutions an approving oracle of the national god of Delphi, he exacted a promise from the people not to make any alteration in the laws before his return, and then he left his country to finish his life in voluntary exile, in order that his countrymen might be bound by their oath to preserve the constitution inviolate forever. And it is sufficient to say that under the guiding hand of Lycurgus the system of government assumed a character that is far superior to the government of many of the nations of today.

Again some two centuries later Solon, an Athenian lawyer, revised the laws of his native land and established a constitution and laws under which peace and prosperity again returned to his country. It is recorded in history that Solon himself was aware of the fact that the result of his labor presented many imperfections and he is said to have spoken of his laws as being, "not the best but the best which the Athenians would have received." And when Rome, expanding her dominion by conquest, absorbed the Grecian states, she was more enriched by Grecian civilization, constitutions, codes and legal safeguards than by the plunder of all the other nations subjugated by her sword.

The rise of the Roman Republic was phenomenal and unprecedented. The greatest kingdoms and nations of the eastern hemisphere as they stand outlined on the map today were her obedient provinces, and yet that great government, built upon the conquest of arms, decayed as it had arisen and left nothing of value to the human race save the free institutions of the Roman Republic, the laws which made the Roman citizen a sovereign at home and abroad, and its intellectual products and arts that only come into being and exist in a country where law and liberty prevails. The products of Cicero, the leader of the Roman bar, and of the historians and poets and other illustrious men of genius, have survived; all else has sunk into oblivion.

Six centuries later Justinian the Great restored the ancient boundaries of Rome and for thirty-eight years underneath his scepter the east and the west were reunited and became his subservient provinces. He compiled a code which comprised all the constitutions of his predecessors. The authoritative commentaries of the jurists were harmonized and published with the addition of Justinian's own constitution. The military glory of this great Roman has lost its glamour. The magnificent buildings and extensive fortifications have crumbled into dust; yet the labors of Tribonian, the lawyer, under whose careful superintendence the Justinian Code was written and compiled, still live, having survived the dark ages and proved to be the strong material which brought to modern Europe and the American states a system of jurisprudence sufficient for another and a higher civilization than that which gave it birth. The chief glory of the law, however, belongs to the English speaking people of the world. For a thousand years the race to which we belong has stood preëminent among the nations of the world, the proudest type of Christian civilization. Alfred the Great, the best and greatest king of England, was a military genius. He preserved the integrity of his nation against the ruthless assault of the Danes and the Northmen, but the most precious heritage that he left the English speaking people was his work as a law giver.

For many centuries the origin of trial by jury was credited to Alfred the Great; however, that claim may be doubted. This im-

perishable monument of personal liberty, one of the greatest civil rights of free man, has probably existed for centuries.

The history of the English law at every step and in every struggle marks a growth and increased strength of personal liberty and personal security. Lawyers by profession have always stood on the side of liberty in every age and every country, and when King John scornfully trampled the rights of free men underneath his feet, all classes of citizens representing the English nation in its contest with King John, more than seven hundred years ago, wrote into Magna Charta, which they extorted from him on the historic meadow of Runnymede, the principles embodied in the constitution of the United States. Two sentences in this mighty instrument of legal reform and free government seem to be sufficient within themselves to establish the security of the natural rise of man. "No freeman shall be taken or imprisoned, or deprived of his freehold or exiled, or in any way destroyed, nor will we go upon him, nor send upon him, except by the lawful judgment of his peers, or by the laws of the land." "To none will we sell, to none will we deny, to none will we delay right or justice."

The sacred principles of personal liberty announced in this great document were old even at that time and have always existed among a liberty loving people, and it is only when they have been denied by arbitrary and capricious power exercised in any age have free men revolted. On the meadow of Runnymede leaders of the movement against legalized oppression and crime were assembled; their priest, a scarlet robed cardinal and likewise a Lord Chancellor of the realm, stood in their midst. It was in the midst of a setting such as this that the fundamental rights and privileges, the rightful heritage of a liberty loving people, were wrested from the unwilling hand of King John. Its effect upon him was catastrophic. Shorn of his arbitrary power to oppress and imprison, he died within four months.

A period of usurpation and oppression in the history of the Anglo Saxon race has always been and shall always be the opportunity of legal liberty, and in considering at this point the legal framework of our own government the conclusion is inevitably reached that the men who composed the convention of 1787 at Philadelphia were learned in the written laws of every period of human history. The hand that drafted the Declaration of Independence was thoroughly familiar with these illuminating precedents and had the wisdom of the ages at his command to guide him in inserting in that precious document the declarations of a liberty loving people. It is remarkable indeed that when the constitution of the United States was completed and adopted on the 17th day of September, A. D. 1787, it contained no mention of the guarantees of personal liberty, and personal protection, so long and so well known to the English law, with the single exception of a brief provision against the suspension of the writ of habeas corpus. It was indeed a masterpiece of fundamental law out of which arose a

mighty commonwealth, a Federal Government designed to retain all the sovereignty and independence of the several states composing the union which were not voluntarily and specifically granted by them and conveyed away. When this precious document was submitted to Thomas Jefferson who was at that time at his post of duty in Paris as minister to France, he wrote to the leading men at home urging not its rejection but its amendment. He expressed his amazement at the "Omission of the bill of rights, providing clearly," as he says "and without the aid of sophism, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of habeas corpus laws, and trial by jury in all matters of fact triable by laws of the land, and not by laws of the nations."

Jefferson declared further, "That a bill of rights was what every nation was entitled to against every government on earth, general and particular and what no just government should refuse or rest on inference."

On the convening of the first Congress on the 25th day of September, 1789, the first ten amendments to the Constitution were proposed to the legislatures of the several states as they now stand embodied in the Constitution of the United States. They were speedily ratified and in these amendments are to be found those high and vital principles without which free government is impossible and personal liberty a mockery. Freedom of religion, freedom of speech, freedom of the press, the right of the people to assemble and petition for redress of grievances, to keep and bear arms, to be secure in their persons, houses, papers and effects; their right to presentment or indictment for a capital or otherwise infamous crime and their security in life, liberty and property unless taken away by due process of law; their right to speedy and public trial by an impartial jury, assisted by counsel, and confronted by witnesses; with excessive bail, excessive fines and cruel and unusual punishments sternly prohibited, and by the tenth and last amendment this immortal document declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the states respectively or to the people."

This Constitution as it was adopted embodied a lofty and noble sentiment. It was an experiment in the government of mankind hitherto unknown and untried. The ship of state was launched on a turbulent sea without precedent to guide it and no chart by which to steer its course save the Constitution and the system of checks and balances therein provided: a Congress, a Senate, a President and a Supreme Court. A Congress and Senate invested with the authority to enact legislation (commissioned by the people) ; a President as the chosen head of the government, and the Supreme Court as the chosen interpreter of the Constitution, and the laws of the country, the highest and the last resort for the peaceful arbitrament of every conflict of rights that can arise with-

in its scope. To Southern states belong the highest honors that this great judicial body is entitled to receive. Rutledge, Marshall, Taney, Lamar, White, whose honesty, whose integrity, whose impartiality, whose vision are reflected in the decisions written by their pen. It was left to the genius and daring of John Marshall, the celebrated Chief Justice who for more than a third of a century stood at the legal helm to weather this ship through every storm and to outride every tempest. A written constitution of government was a thing unknown to the nations of the earth. There was no precedent that could be brought forward that would shed a light on such a system as ours and it was left to the magic genius of John Marshall to explore the obscure boundaries of jurisprudence with a penetrating vision and trace with his unerring pen the decisions which shaped and controlled to a large extent the destiny of this mighty nation.

This magnificent document, our Constitution, the heritage of a nation, our nation, purchased by the blood of our forefathers, preserved and retained, at the expense of a fratricidal war in which the soil of our beloved Southland was baptized by the blood of our ancestors fighting for a sacred principle, states' rights, in that great conflict overwhelmed by numbers and forced to lay down their arms, yet the sacred principles in defense of which they so freely sacrificed their lives and personal fortunes still blaze in the eternal sky of a free and independent government as the most brilliant sun that lights our firmament.

It cannot be denied that we are in the very midst of a social and economic revolution. It is useless to shut our eyes to facts so painfully and obviously evident. Again the same age-old question that has been the cause of conflict in the past has arisen and once more stalks abroad in the land. Like Banquo's Ghost, it will not down, and may find its simple statement in one sentence, "Shall a citizen of the United States of America, the boasted land of liberty, be deprived of his life, liberty, or property without due process of law?" It is vain indeed to resort to specious argument, to evasion, to appeal for deprivation of any one of these rights on the theory of a national emergency or industrial or economic crisis that threatens the public welfare of the people of the United States. For more than a century this great nation of ours has been sought as a refuge for the oppressed, as the home of religious, political and civil freedom. The Statue of Liberty for many years has held aloft its towering torch to light the pathway to a land of liberty to those who have been ground beneath the oppressor's heel. God forbid that the time shall ever come in the history of our nation when the members of this honorable fraternity shall not have the courage to defend the principles guaranteed in the Constitution of the United States. God forbid that the time shall ever come when the lawyers of this great land of ours shall not rise and protest at every usurpation of authority that may be undertaken by any branch of the government—legislative, executive, or judicial. I

hold this truth to be self evident, that every man and every woman in every walk of life has an inalienable right to pursue a legitimate calling and to obtain lawful employment wheresoever same may be had without let or hindrance and to pursue said calling free from molestation, so long as they obey the law. It is only in an atmosphere of this kind that our great state may even hope to attain and hold its rightful place in the economic and industrial structure of the United States. The one great obligation which government owes to society, and all that it owes, is the impartial administration of equal and just laws. This condition produces security of life, of liberty and of property. The main object of human law ought to be for such legislation as will enable the individual in the pursuit of happiness to see his condition in life constantly and gradually improving. It is the duty of government to encourage the accumulation of savings of industry, and the best means by which this end may be accomplished is to guard the strong box from the invasion of others and not to invade it itself.

The enactment of legislation that has as its tendency to take away from the individual the initiative to accumulate, the desire to practice thrift and economy can have no effect other than to destroy the moral stamina of the individual. To compel men to contribute of their earnings or accumulations of their industry, for any purpose not necessary for the common defense and the general welfare of society as a whole, does not lie within the legitimate sphere of legislation and is a perversion and abuse of the powers of government. What a wonderful influence lawyers as a class can exert upon such legislation. How vital and necessary it has now become for those lawyers who participate in the enactment of the laws under which we live and have our being to carefully scrutinize every act that is proposed and use their influence to defeat the enactment of any measure that would constitute a further invasion of the sacred rights of the individual citizen.

How frequently do we hear the cry go up that our lawmaking bodies contain too many lawyers. As a matter of fact we must confess that legislation as a whole, good or bad, springs from the bar. From the ranks of the bar more frequently than any other profession, are men called upon to fill the highest public station in the service of the country, at home and abroad. It may be that the existing system under which we now live is unwieldy and inadequate to serve the needs of the present generation. It is worse than in vain to oppose all amendments as changed and changing conditions arise. Legislation adequate to meet the situation should be and must be enacted. True conservatism is gradualism. The movement should be onward by slow, cautious and firm steps, but still movement onward. The world, neither physically, intellectually nor morally was made to stand still. By ceaseless motion all that is subsists. But let us not lose sight of the fact that upon established precedent found in the decisions of our courts our citizens have invested the earnings of a lifetime; industry has received

its greatest encouragement, the dying are consoled with the thought that the widow and the orphan are left under the care and protection of a government which administers impartial justice according to established laws. How essential to the welfare and perpetuity of the Republic is such belief on the part of its subjects.

"May the bonds of the law, administered in the spirit of justice, liberty, and equality for all the states of the American Union hold it together in everlasting peace; and may the broad, catholic fraternity of the bar and bench contribute more and more, as the years move on to the harmonious and affectionate relations of the American people; to their complete unity in heart, mind and purpose as they go forward to a common destiny; all at home, in the house their fathers built; under the flag waving evermore in the future as an emblem of love and good will towards men." (Applause).

PRESIDENT CRAWLEY (in the chair): Ladies and gentlemen of the Mississippi State Bar, it gives me great pleasure at this time to present to you Hon. Pat Eager of the Jackson bar, who in turn will introduce to you the speaker of the afternoon, Hon. Julius C. Smith. (Applause).

MR. PAT EAGER: We are honored this afternoon with having present as our principal speaker a representative of the American Bar Association.

You doubtless at once wonder why so obscure a member of your association should be selected to present to you such an eminent speaker and lawyer, and I will satisfy your well justified conclusion in that respect at the outset by saying that he was to have been presented by my partner, Mr. Will Watkins, who is unavoidably detained and unable to be here on this occasion.

I could spend a great deal of time in telling you something about our distinguished speaker. It has been my pleasure to have visited him in his office and to have been a guest in his most gracious home, but I will not do like the negro Baptist preacher who was trying to use some big words when preaching one Sunday morning. He was visited by none other than Booker T. Washington. When the pastor saw Booker T. Washington, he wanted to make a good impression, and he began to think of all the big words he could use. He could not complete a sentence without winding up with the word "procrastination." After the sermon was completed, Booker T. Washington was congratulating him upon the sermon. Washington said, "Brother pastor, I notice you used the word procrastination all through your sermon, just what does that word mean?" He said, "Mr. Washington, I am unable to tell you what the word means, but I do know it is one of the fundamental principles of the Baptist Church." (Laughter).

I can assure you that in introducing the speaker this afternoon, he is, in fact, the antithesis of procrastination; he does not know

the meaning of such a word. He is a man of simplicity, he does not seek the spotlight; he prefers to mingle with his fellow man.

He comes as special representative of the American Bar Association; he is a member of the special committee on administrative law, which subject he will discuss this afternoon.

Before luncheon I was introducing Mr. Smith—he only got in at 11:30 from Greensboro—I was introducing him to some of the members of the supreme court, Judge McGowan, Judge Cook and the Chief Justice, I believe were in that crowd. He said that in North Carolina when a member of his court was defending a life insurance company that court would ask three questions: First, Was the policy issued? Yes. Second, Was the premium paid? Yes. Third, Is the insured dead? Yes. Well, he said, that was all he wanted to know. I told Mr. Smith that the only difference between the North Carolina and our court was that our court asked: Was the policy issued, and was the premium paid. Whether the deceased was still living was wholly immaterial. (Laughter). I don't know whether Mr. Smith can prove the truth of his statement or not; I can give him several volumes of the Mississippi reports that he can take back home that sustain me in my conclusion.

The man who will address you, my friends, is vice-president and general counsel of the Jefferson Standard Life Insurance Company of Greensboro, N. C., one of the most progressive life insurance companies of our Southland; for the second time honored as the president of the North Carolina State Bar Association, which I understand is an integrated bar similar to our own.

Mr. Smith is a man who knows nothing other than hard work, both in his profession and as a citizen. He was a few years ago honored with the presidency of the Chamber of Commerce of the city of Greensboro. His talents are not limited to his legal profession but he discharges his duty to the public as a citizen. I could tell you much more, but you no doubt prefer to listen to him, and it affords me the greatest pleasure to present to you Hon. Julius C. Smith of the firm of Smith, Wharton and Hudgins; as special representative of the American Bar Association. His subject is "Administrative Law."

MR. SMITH: Mr. President, Mr. Eager, and all friends of the Mississippi State Bar, it is a distinct pleasure and privilege to be in your splendid state of Mississippi and to be able to talk with you for a few minutes in regard to a problem that is common to all of us.

As president of the North Carolina State Bar, may I bring to you our greetings and cordial good wishes. We in North Carolina, like you in Mississippi, have an integrated bar; both bars were integrated at or about the same time, and these two states, along with Alabama and a few others, have attracted the attention of the nation in their work in connection with the integrated bar.

Being deeply interested in state bar work, as well as the American Bar work, I repeat that it is a distinct pleasure for me to be in this state of Mississippi, and to observe the workings of your integrated bar, and to come in contact with you men. Many members of your Mississippi bar are well known to me; many of you I have known personally for years, and many I have corresponded with, and to those of you whom I have known and corresponded with and have not had a chance to speak to, here is a cordial handshake and good wishes.

But I came to talk to you upon a subject, an important subject today, and that is The Administrative Law Problem. Many lawyers are not cognizant of the great importance to them of the administrative law problem. Many of us are looking straight at it but do not see it. Those of us who at least see the problem, whether we know much about it or not, are trying to think about it and stimulate interest in it among the members of the bar. The recent decision of the Supreme Court of the United States sustaining the constitutionality of the National Labor Relations Act, and the decision of the Supreme Court sustaining the constitutionality of the National Social Security Act, have centered the attention of not only the United States but of the world on the administrative law problem, for the reason that those two decisions alone sustained the existence of a gigantic system of administrative tribunals and administrative officers under each Act. Of far greater importance, however, and of more far-reaching effect, is the proposed legislation sponsored by the President, designed to set up maximum hours and minimum wages, and in connection therewith a board of four members who will virtually govern the industry of America. Just how far-reaching this legislation may be no one knows, and just what powers the proposed board will have no one knows, but we do know that if enacted as proposed, and sustained by the courts, the most powerful administrative tribunal will be set up that has ever yet been conceived of. Please understand in the outset that I do not propose to discuss policies, that I do not propose to discuss politics, I merely desire to present to you within the brief time allotted me a bare outline of the administrative law problem and some of the things that the Committee on Administrative Law of the American Bar Association is attempting to do in connection with coping with the existing problem.

The administrative law problem is not a new one. President Taft more than two decades ago, with reference to the comparatively simple governmental setup of his administration, said:

> "Presidents may come and go to the seashore or to the mountains, Cabinet officers may go about the country explaining how fortunate the country is in having such an administration, but the machinery at Washington continues to operate under this army of faithful non-commissioned officers, and the great mass of governmental busi-

> ness is uninterrupted. The President notes little of the normal operation of the regular vast machine of government, which in many respects is automatic, unless its workings result in a break or there is palpable need of repair."

President Roosevelt in his recent message to Congress said: "There are over one hundred separate departments, boards, commissions, corporations, authorities, agencies and activities through which the work of the government is being carried on," and that "Neither the President nor Congress can exercise effective supervision and direction over such a chaos of establishments, nor can overlapping duplication and contradictory policies be avoided."

This has been the position of the Committee on Administrative Law of the American Bar Association since its first report in 1933. On this point Colonel O. R. McGuire, the chairman of that Committee, in an address before The North Carolina State Bar, said:

> " . . . . we have piled departments, independent establishments, boards, commissions, authorities and government-owned corporations on top of each other in an attempt to provide the necessary administrative machinery for the execution of the laws and we have turned loose in this rococo structure approximately a million men and women, if we include the military and naval services, as we must, to operate that machinery with nothing more than the most general supervision on the part of the President or on the part of his more responsible cabinet officers and heads of other organizations."

Some further enlightening information on this subject has been developed and published in a recent report of the Brookings Institution to a senate committee. That report discloses that on June 30th, 1936, we had 114,611 Federal employees in the District of Columbia and 721,093 outside of said District, or a total of 835,704 Civil officers and employees in the executive branch of the Government. This, of course, does not include military and naval forces or the employees of the legislative and judicial branches of the Government. This report also discloses that the expenses of the Federal Government for 1936 aggregated $8,879,798,258 as compared with $4,091,663,908 for 1931. The increase in the number of Federal employees and Federal expenses since President Taft made the statement above referred to is so great as to almost stagger the imagination.

The great variety of activities in which the Federal Government is engaged likewise staggers the imagination, and it follows as a matter of course that the Federal Government and its citizens are engaged in controversies as varied as those activities and in proportion to the complexities of the same. The Committee on Administrative Law of the American Bar Association is not concerned with the policy involved in the growth of personnel and ex-

penses above referred to or in the policy as to the scope of activities in which the personnel may be employed or the public money expended, but merely with the condition as we find it. We can only judge the future by the past and in so doing it follows as the night the day that control and regulation will continue to increase until we approach somewhat the conditions that existed prior to what is known as the Industrial Revolution. We are concerned principally with the administrative law problem as we find it, its development, enforcement and control.

As to the development of administrative law in America, a statement contained in an address by Mr. Justice Stone at Harvard University last year, and later published in the Harvard Law Review, is interesting and informative. In this address he said that the most striking change in the common law of the United States

> " . . . had been the rise of a system of administrative law, dispensed in the first instance through authority delegated to boards and commissions composed of non-judicial officers. The reception by the profession and the courts of these new administrative agencies has exhibited an interesting parallel to their attitude towards other forms of external change . . .
>
> "Under the civil law the rise of a system of administrative law, independently of the courts, came as a welcome formulation of principles for the guidance of official action, where no control had existed before. To the common law the use of these administrative agencies came as an encroachment upon the established doctrine of the supremacy of the courts over official action. It was the substitution of new methods of control, often crude and imperfect in their beginnings, for the controls traditionally exercised by courts—a substitution made necessary, not by want of applicable law, but because the ever-expanding activities of government in dealing with the complexities of modern life had made indispensable the adoption of procedures more expeditious and better guided by specialized experience than any which the courts had provided.
>
> "Looking back over fifty years which have passed since the establishment of the Interstate Commerce Commission, no one can now seriously doubt the possibility of establishing an administrative system which can be made to satisfy and harmonize the requirements of due process and the common law ideal of supremacy of the law, on the one hand, and the demand, on the other, that government be afforded a needed means to function, freed from the necessity of strict conformity to the traditional procedure of the courts.
>
> "Rarely in the history of the law has such an opportunity come to satisfy the pressing needs of a changing

order without the loss of essential values. The ultimate establishment of equity, after a period of resistance, as a coordinate branch of the law, ameliorating the rigors of the common law system and translating in some measure moral into juristic obligations, is a comparable transition in the law. The profession in our day, like its predecessors who saw in the pretensions of the chancellor but a new danger to the common law, has given little evidence that it sees in this new method of administrative control any opportunity except for resistance to a strange and therefore unwelcome innovation."

In a very recent issue of the Columbia Law Review, Mr. Ruben Oppenheimer said:

"The recent decisions of the Supreme Court of the United States in administrative law show that the quasi-judicial or quasi-legislative administrative tribunal has been recognized and approved as a permanent instrument of government. The Court has rendered incalculable service to the causes of liberty and good government in fixing the general mold which these tribunals must take, and in which their processes must be carried out. With respect to their actual functioning, however, the decisions give ground for the belief that the Court, faced with concrete instances of departure from legal procedure, has been overzealous in its interferences with administrative processes. These processes, while giving weight to the rights of the individual, are directed towards a justice in which the public interest is largely involved. They are still in the course of development; constant scrutiny and interest, steady adherence by the tribunals to the principles of justice, the services of the bar, independent studies of the actual proceedings and their results, emphasis upon the development of trained and able administrators, may, it is hoped, be counted upon to make the Court less apt to assume responsibilities with which it should not be burdened."

The attitude of the Supreme Court of the United States in sustaining the existence and decisions of the various administrative tribunals is disclosed in its decision upholding the Railway Labor Act and the National Labor Relations Act, hereinbefore referred to. Under the National Labor Relations Act, employers guilty of unfair labor practices are not subject to criminal prosecution. The board, however, after the manner of the Federal Trade Commission, issues a complaint against an employer accused of unfair labor practices, holds a hearing, makes finding of fact, and if a violation is established, orders the employer to cease and desist from the unfair labor practice complained of and to take such affirmative action as will carry out the policy of the Act. No penalty is attached

to the violation of the board's order. If the order is disobeyed, the board moves in a Federal Circuit Court of Appeals on its administrative record for a decree enforcing its order. This would indicate that Congress considered that more effective enforcement would result from entrusting such enforcement to this administrative body rather than by leaving the enforcement to the Department of Justice.

The decision in the National Labor Relations case shows that the Court will pay attention to relevant economic data which administrative boards may make a part of their record, indicating that particular activities have a practical and substantial effect upon interstate commerce.

You naturally inquire: What are we going to do about it? I do not pretend to know the answer, but we of the Committee on Administrative Law have studied this problem intently, conscientiously and diligently, and we have some thoughts about it which we desire to present to you with the hope that you will help us think and help us work out ways and means to cope with the situation, improve the conditions as we find them, and work out ways and means whereby the rights of the citizen and the rights of the Government may be better protected. We contend that it is the task of the American lawyer to do just that. The lawyers of America have at all times been the leaders in moulding the thought of the nation and in moulding the legislation designed to improve legislative and judicial machinery. We feel that this problem challenges the best that is in the American lawyer of today to face, meet and solve as near as may be this interesting and important problem. We of the Committee on Administrative Law feel that this problem can best be met by requiring the heads of administrative departments, establishments, etc., to implement their statutes in detail by the issuance of rules and regulations dealing with the substantive as well as the procedural aspects of such statutes. By so doing, the business man, laborer or lawyer will be able to determine in advance the views of the administrative officers as to the meaning and requirements of the particular statutes. To insure that these rules and regulations do not exceed the constitutional and statutory authorities, provision may be made for testing out the rule or regulation in the United States Court of Claims by a proper proceeding in the nature of a petition for a declaratory judgment. Thus we may determine in advance of the investment of capital or the change in policy whether the administrative officers of the Government view the proposed action as one in accordance with law, and if not, whether their view as stated in the rules and regulations is in accordance with the law.

It would appear to us that by such process, the burden will be taken from the courts, where it should never have been placed in the first instance, of requiring them to legislate in order to fill in the gaps in the law through decisions in concrete cases, and such action will to that extent remove the probabilities of conflicts with

organized minorities and the other two constitutional branches of the Government. The responsibility for the enactment of statutes is in Congress, a political branch of the Government. The responsibility for administrative law-making, the filling in the details of the statutes, will be on another political branch of the Government, the executive branch. Such branch is presumably equipped by training and experience to do this work of implementing the statutes. The responsibility for implementing the statutes does not belong to the judicial branch of the Government, and to impose that duty on the courts is to bring them into conflict with organized minorities and the other two branches of the Government when they fail to implement in keeping with the intention of the statutes, assuming of course their constitutionality. The courts must not become involved in political struggles between those demanding more governmental regimentation and control and those demanding less governmental legislation and control. The courts must be independent and free from political subordination. The duty and responsibility of the courts is to determine fearlessly and independently whether statutes are in accordance with the terms of the Constitution, whether the rules and regulations are in accordance with the terms of both the Constitution and the statutes under which they are issued, and whether the facts in particular cases bring them within or without the terms of the statutes and regulations.

This suggested plan of our Committee represents no radical departure in government. The various establishments have issued rules and regulations since the foundation of the Government, but with few exceptions and with the customary timidity of officialdom, these rules and regulations have been largely limited to the adjective or procedural side of the law rather than to the substantive side thereof. The administrative officials of the Government have not been empowered by law to render advisory opinions concerning the statutes they have been required to administer. We think they should be so empowered.

You will see that if adopted as a part of the law of the land, our recommendation will serve to inform business men, lawyers and other interested parties as to the opinion of the responsible administrative officers as to the meaning and requirement of the statutes they are required to administer. Such a plan would permit the business man or other interested person to test out in a competent court whether the rule or regulation is in accordance with the constitution and the statute under which it is issued, thereby rendering it unnecessary to take the risk of violating the law in order to find out by judicial decision what the law means.

The next step in the administrative process is to determine whether the facts bring the case within or without the law. As between private parties, a dispute which they cannot adjust among themselves is adjusted by arbitration or by the courts. We think

that the administrative officers should have an opportunity for adjusting such disputes with the citizen before the matter gets into the courts. There are literally thousands and thousands of controversies arising every year between the citizens and the administrative officers in the field, and the executive agencies in Washington. No one knows the exact number. It goes without saying that all of these controversies could not be taken through the courts. Such a volume of cases would prevent the courts from functioning at all. The expense and delay would be prohibitive. Neither business nor the Government could operate under such procedure. We think in the first place that the administrative personnel should be improved and that the tenure of administrative officers and officials should be sufficiently secure to attract career men. We further think that statutory authority should be secured by intra-departmental boards to review decisions within the boards themselves, and that these intra-departmental boards should have authority to summon and compel the attendance of witnesses, take testimony, hear argument and otherwise determine the case as would any trial court. A record could be built up before the board as before a trial court upon which an appeal could be taken to any of the United States Circuit Courts of Appeal or to the Court of Appeals for the District of Columbia, depending upon the residence or principal place of business of the appellant. The Court should have sufficient authority to see whether the board's decisions are supported by the evidence or were issued without due notice and a reasonable opportunity of the protestant to be heard, or were not based on arbitrary and capricious findings of fact, or were not beyond the jurisdiction of the board, or did not infringe the Constitution or statutes of the United States. If the case were otherwise within the jurisdiction of the court of claims, the appeal might lie exclusively to that court.

Administrative law is not the common law. Neither is it equity or admiralty. The common law, equity and admiralty were developed in courts specializing in such cases. There seems to be a present day misunderstanding of administrative law. Most law schools have attempted to teach administrative law from case books. Case books are necessarily limited in most cases to the administrative law problem after it has become subject to the judicial process. This is but the lesser half of the problem. Little or no attention to date has been given in most law schools to the other half of the administrative law problem, that is, the half which arises in the administrative agency and the various steps therein until the case reaches the courts. The recognition by statutory law of the intra-departmental boards and the procedure as actually followed in practice by most if not all of the independent boards and commissions is necessary. By giving to the intra-departmental boards the authority they do not now possess to require the attendance of witnesses, the hearing of testimony, the right of cross-examination, the building of a written record, the making of decisions based thereon, and the appeal to the Circuit

Courts of Appeal on such record, with sufficient jurisdiction in the Court to correct any obvious errors in the procedural as well as the substantive law, would expedite greatly the handling of the vast volume of cases, would improve to a large extent the administrative technique of handling public business, would relieve the administrative officers to a large extent of political pressure due to the realization that any decision they might make could and possibly would be reviewed by the courts, and would deprive political "fixers" of an occupation. Such reviews in the Circuit Courts of Appeal or in the Court of Claims, as the case might be, would insure the supremacy of the law and aid the chief executive and his principal assistants in maintaining some measure of control by law over their subordinates, and by the use of the intra-departmental or intra-service boards, the hearings could be decentralized to an extent impossible under any other plan. Such boards could be established anywhere in the United States where three public employees could be brought together, one of whom was trained in the law. Judicial control over the decisions of such boards should not be for the purpose of dictating the policy of the administration, but rather for the purpose of keeping such decisions within the bounds of legality as determined by the Constitution, the statutes, and the implementing rules and regulations. In other words, the purpose of judicial control are: (1) To keep the boards within their jurisdiction, to prevent the board from exercising power not entrusted to them, and from interfering with other spheres of competence; (2) to prevent them from abusing their powers for religious, personal, partisan or other purposes; (3) To make them conform to the rules and regulations and procedure which govern their functioning; (4) To prevent them from doing violence to situations already judicially established; and (5) To test whether their decisions and acts conform to the requirements of the law.

An administrative law question arises whenever there is a conflict between a government officer or employee and a citizen. Even though many of the processes and procedure up to that point may appear to be judicial, such hearings and fact findings of the administrative officer from the viewpoint of technique may seem judicial, yet they are used for an administrative purpose, that is, to carry out the law. When, however, an individual objects to the way the administrative officer or employee is carrying out the law, then we have a case which is no longer administrative but is essentially a judicial one. Here the intra-departmental boards step in between the administrative officer and the citizen, or the independent board steps in between the examiner and the citizen, as a sort of an umpire to decide the controversy. To insure that it is decided properly after notice and hearing, without bias, the possibility should ever be present in the mind of such board that the case may be taken to the courts for review—not *de novo*, but upon the record made up before the board to see that there has been no loss of essential values of due process and supremacy of the law, and that there may remain open as an alternate remedy any pro-

cedure now existing for review of administrative decisions either by proceedings *de novo* or by appeal.

We of the Committee on Administrative Law are conscious of the fact that perhaps our suggested plan in its entirety is not perfect, but after several years of study and long experience on the part of some of us with both the administrative and judicial processes, we have found nothing better to recommend and sponsor. We have consulted with and have had the advice and assistance of some of the best practical lawyers and some of the best students of law in the United States, and they have been unable, or at least have failed to suggest any substantial changes in our suggested program as disclosed to you. We know that the adoption of the plan is not going to reverse the tide of regimentation and control now rolling in upon us. We know that this plan is not a solution of all of our economic and social ills, but we do know that we have approached the problem in an unselfish spirit and with the consciousness of the fact that law is not an exact science, that it must change and progress to meet the changing conditions of a great nation. The problem in front of us is not one of policy, it is not one of politics, but merely a question of what the American lawyers are going to do about this great present-day problem. If you agree with our plan we ask you to support it. If you do not agree with our plan we implore you to study it as we have studied it and give us the benefit of your thoughts. If nothing is done, then the President of the United States, whoever he may be, the Congress, the courts and the administrative officials of the Government must continue to struggle along with outmoded machinery in an attempt to meet the governmental problems in a complex, modern world which are growing more and more difficult. The result, we feel, of a do-nothing policy may lead to chaos, and we earnestly appeal to the lawyers of Mississippi to support our plan, have it approved by the American Bar Association in Kansas City, and thereafter enacted into law by the Congress of the United States.

MR. JACOBSON (in the chair): Mr. Smith, on behalf of the Mississippi State Bar, we want to thank you for your interesting and informative address. The Mississippi State Bar is always glad to welcome representatives from the American Bar Association to give us these interesting and informative addresses. This body will take note of it and you will hear from us later.

In the absence of President Crawley, who was called out for a few moments, I will call the next subject on the program: the report of the finance committee. We would like to have the report of the finance committee.

MR. GERARD BRANDON: The finance committee desires to make at this time the following financial report.

Expended last year		$5,780.47
Active paying members	1,042	
Delinquent members	172	
Exempt members	45	
New members, exempt 1 yr.	102	
Members not in active practice	183	
	1,544	
Total delinquents		$2,020.00

PROPOSED BUDGET

Office expense	$ 750.00
Annual meeting	400.00
Commissioners' Expense	750.00
Law Journal	1500.00
Committee Expense	300.00
Secretary's Salary	1800.00
Junior Bar Section Committee Expense	200.00
	$5700.00
Estimated receipts for 1937-1938	$5650.00
On hand to date	2470.81
	$8120.81

The finance committee desires, at this point, without going into the analysis of the situation of non-paid dues, to call the attention of the state bar to the fact that there are some 172 delinquent members of the Mississippi State Bar, who owe to this organization the total sum of $2020.00; some are delinquent one year, and possibly inadvertently, some for more than one year, some as many as five years. We direct the attention of the State Bar to that situation, and Mr. Chairman, we move the adoption and approval of the financial statement and statement of the proposed budget.

VOICE: Second the motion.

MR. JACOBSON: It has been moved and seconded to adopt the report of the finance committee, and the carrying out of the suggestion of the budget committee of the finance committee. What is the pleasure of the association?

VOICE: Question.

MR. JACOBSON: All in favor will say "Aye"; opposed same way. So carried.

We will have next the report of the Law Journal Committee.

MR. HUGH N. CLAYTON: Mr. D. C. Bramlette of Woodville is chairman of this committee, and in his absence I have been

asked to present this statement of the Law Journal. The statement covers about nine months, from last September to June 15, 1937. The explanation of that is that the meeting has been moved from September back to June: (reading)

FINANCIAL REPORT OF THE MISSISSIPPI LAW JOURNAL

Receipts

Balance September 15, 1936	$ 59.11
Appropriation of Mississippi State Bar Association	1500.00
Sale of back numbers, subscriptions, and books	167.00
Cash advertisements	86.00
Assets receivable, due and payable	69.15
Total receipts	$1881.26

Expenditures

Postal permit for mailing Journal	$ 10.00
Post office box rent	3.00
Printing and mailing Journal at Meridian, Miss.	1660.26
Banking expenses and exchange	10.50
"Old Miss" annual page	25.00
Office expense (postage, stationery, book binding, etc.)	110.73
Debts now due	15.00
Total expenditures	$1834.49
Balance of assets on hand and receivable debts	$ 46.77

(Signed) G. L. ADAMS,

Business Manager, Vol. IX.

HUGH N. CLAYTON,

Acting Chairman, Law Journal Committee.

The Committee moves the approval of the report.

VOICE: Second the motion.

MR. JACOBSON: It is moved and seconded that the report be received and approved. All in favor will say "Aye"; opposed same way. So carried.

The next order of business is the report of other committees. We should like to hear from any other committee.

MR. S. E. TRAVIS: I would like to make a report for the Committee on Pleading, Practice and Procedure, or rather a report from two members of the committee. I regret to have to advise the Bar that we have never been able to get a quorum of this committee together, although we have been trying to do that ever since the committee set-up. I do not think it was the fault of the lawyers on the committee; they were no doubt unable to attend. Mr.

Tubb has written up the report and I have joined him and we ask your indulgence. Mr. Tubb will read the report of two members of the committee. I now present Mr. Tubb.

MR. C. L. TUBB: Mr. President, Mr. Chairman, members of the Mississippi State Bar, some thirty days ago, Mr. Travis, the chairman of this committee, sent out a circular letter to the various members, suggesting a meeting of the committee in order that we might frame a report to this assembly. The members are scattered about over the state; some a long distance from Jackson, a long distance, in fact, from Meridian, this place of meeting. We failed to get these members together, but some two weeks ago Mr. Travis, your chairman, notified this committee that there would be a meeting today at the Lamar Hotel at one o'clock. He and I were the only members of the committee present, and I now give you the result of our deliberations and our report: (reading)

REPORT OF COMMITTEE ON PLEADING, PRACTICE AND PROCEDURE

To The Mississippi State Bar:

We, your Committee on Pleading, Practice and Procedure, have had this subject under consideration for a long period of time. We have thoroughly considered it and find that there are a great many subjects which command the serious consideration of the Bar. They are so numerous that it would unnecessarily increase the length of this report to set them out herein.

At the threshold we are compelled to admit that, although we have made in recent years some progress in the revision of procedure in equity cases, yet since the organization of the Mississippi Bar, we have made practically no progress in setting up a system in our law courts which would eliminate delay, increase the efficiency and lessen the expense of the administration of justice in said courts. We are now using a system which was dilapidated and worn out seventy-five years ago and which needs revision from bottom to top.

The United States Congress, by Act of June 19, 1934, c651, 48 Stat. 1064, authorized the Supreme Court of the United States to prepare and adopt general rules for cases in equity and actions at law in the District Courts of the United States. That Act reads as follows:

> "Be it enacted . . . That the Supreme Court of the United States shall have the power to prescribe, by general rules, for the district courts of the United States and for the courts of the District of Columbia, the forms of process, writs, pleadings, and motions, and the practice and procedure in civil actions at law. Said rules shall neither abridge, enlarge, nor modify the substantive rights of any

litigant. They shall take effect six months after their promulgation, and thereafter all laws in conflict therewith shall be of no further force or effect.

"Sec. 2. The court may at any time unite the general rules prescribed by it for cases in equity with those in actions at law so as to secure one form of civil action and procedure for both: PROVIDED, HOWEVER, That in such union of rules the right of trial by jury as at common law and declared by the seventh amendment to the Constitution shall be preserved to the parties inviolate. Such united rules shall not take effect until they shall have been reported to Congress by the Attorney General at the beginning of a regular session thereof and until after the close of such session. (48 Stat. 1064, U.S.C., Title 28, Par. 723b, 723c; approved June 19, 1934)."

Proceeding under the provisions of this Act, the Supreme Court of the United States on June 3, 1935, entered the following order:

"1. Pursuant to Section 2 of the Act of June 19, 1934, c. 651, 48 Stat. 1064, the Court will undertake the preparation of a unified system of general rules for cases in equity and actions at law in the District Courts of the United States and in the Supreme Court of the District of Columbia, so as to secure one form of civil action and procedure for both classes of cases, while maintaining inviolate the right of trial by jury in accordance with the Seventh Amendment of the Constitution of the United States and without altering substantive rights.

"2. To assist the Court in this undertaking, the Court appoints the following Advisory Committee to serve without compensation . . . ."

The committee appointed by the Court is headed by the Honorable William D. Mitchell, former Attorney General of the United States, as Chairman. This committee has already prepared a tentative draft of the rules and submitted the same to the Supreme Court. These rules are now under consideration by the Court and will, at an early day, be adopted and promulgated for use in all civil actions, both at law and in equity, in the District Courts of the United States and the Supreme Court of the District of Columbia.

Your Committee is of the opinion that it would greatly facilitate procedure in the civil courts of the states if a set of rules and regulations should be adopted and promulgated conforming, as far as practicable, to the rules of the United States courts. But in order to do this a great many changes must be made in our system of pleading, practice and procedure. It would be useless to depend upon the Legislature alone, without the aid and active assistance of this organization, to pass laws providing for these necessary changes.

Your committee, therefore, recommends that the Mississippi State Bar will place itself on record as favoring the organization of a Judicial Council in Mississippi, with rule-making power, expressly authorizing it to make and promulgate rules of pleading, practice and procedure to be used and followed in all the courts of the State of Mississippi; that the Council shall consist of three members of the Supreme Court, including the Chief Justice, who shall be Chairman and preside at all of its meetings; three Circuit Judges; two Chancellors; and eight members of the Mississippi State Bar of wide experience and training in such matters, to be selected, one from each congressional district and one from the State at large. The member from the State at large shall be the Dean of the School of Law of the University of Mississippi.

That the Mississippi State Bar will appoint a special committee whose duty it shall be to draft an act to be passed at the next ensuing session of the Legislature, and who shall present said act to the proper committee or committees to whom it may be referred and, also, to the legislature itself, so as to make sure and certain of its passage.

Respectfully submitted,

S. E. TRAVIS, Chairman
C. L. TUBB.

MR. TUBB: (continuing) Now, Mr. Chairman, I move the adoption of this report. I am not unmindful of the fact, we know that this matter has heretofore been before the Mississippi State Bar, but then under quite different conditions from those that confront us at present. The United States Supreme Court will soon adopt these general rules provided for in the act of June, 1934. Those rules of pleading, practice and procedure will apply to all the courts or district courts of the United States. Every lawyer who has a practice in the federal courts will be required, of course, to become familiar with those rules and to strictly observe them in his practice in such cases. There are a great many young lawyers in this association—I am delighted to see so many taking an interest in the affairs of this organization—I feel that they are the salvation of it. You younger members who are coming on and engaging in the practice will be required to follow these rules made by the Supreme Court of the United States, and if you have, that is in your practice before the Federal Courts—and if we have a system of general rules to be followed in the state courts, in so far as they are practical and in conformity with the federal rules, you will not have to learn two systems of practice.

Furthermore, what has this organization done during its entire history to expedite the efficiency of the courts to lessen the expense of the administration of justice, and to avoid delay which frequently and inevitably confronts us? We as lawyers are responsible for the administration of justice in our courts, and whether we meet

that test and that responsibility or not, the business men of the country hold us responsible for it.

We find frequently today and especially in certain business organizations operated in this country in practically every contract of any importance drawn by those organizations, there is included a paragraph providing for arbitration. Why do they put that paragraph in these contracts? It is because of the delay of the courts, because of the extraordinary expense of the administration of justice, and because of the uncertainty of the results of administration of justice in our courts as now operated. When a case is submitted to arbitration we as lawyers have lost largely the opportunity to handle that lawsuit. Usually, they get off in a corner, submit their evidence; the case in a few hours is determined and there is no controversy about it, further. If we expect to proceed to improve the system of administration of justice in the courts, we must at least in a measure do those things that are being done in practically all of the other states of the union. About three-fourths of the states in the American union now provide for a judicial council with rule-making power, just as we recommend here, and they are operating splendidly in those states and they are getting fine results. I can see no reason why Mississippi should not follow in that line. I cannot see that anybody would be hurt by it, and I think it would be a great improvement and a great benefit to the bar in Mississippi. Mr. Chairman, I move the adoption of the report.

MR. H. A. SHOTTS: Second the motion.

PRESIDENT CRAWLEY: Gentlemen, you have heard the reading of the report, and the second. Is there any discussion?

MR. MARION REILY: Mr. President, members of the Mississippi Bar, I was a member of the committee that met this afternoon. I have attended various meetings in the past but because of the fact that I recently sustained an injury, in April, I have been compelled to spend the larger part of each day lying down and I did not attend the meeting today, and that was the only reason that I was not there.

Does it not occur to the members of this association that if this drastic change is to be made, some notice should be given to the Bar as a whole? We had this matter up once before, when the Bar was advised of what was going to take place, and it is common knowledge that it could not have received twenty-five per cent of the endorsement of the membership of this Bar.

What is the motion we have today? They say adopt a judicial council with rule-making power. What will it mean? It will mean that the members of this council shall have the power in effect to make laws; that's what it will mean. Oh, you say, they make laws only in regard to pleading, practice and procedure. You let me tell you when you must plant your potatoes, how you shall cultivate them, when you shall dig them, and where you will market them

and they are darn-near my potatoes. (Laughter and applause). You let me fix the pleading, practice and procedure in Mississippi, and I will control the court houses in Mississippi.

Members of the supreme court would be members of this judicial council. I am proud that I am a Mississippian, for many reasons, but above all I am proud because no informed man has ever pointed the finger of suspicion at the courts of this country as a whole. (Applause).

Let me say for the members of the supreme court who are here today. Heretofore you have run for office, you ran upon your merits, your campaigns have been upon a high and dignified plane, but whenever you are faced with the power to make laws, and that is what you will have in the judicial council, whenever you have that power, then the weakling in this country who wants an unfair control in the courts of Mississippi is going to know pretty well how you feel, and he will have some man whom he can control out to defeat you.

It is childish to say that there are not men that want an advantage under the laws of this country. We well know it, and whenever we invest any man, chancellor, circuit judge or supreme court judge with power to appoint the other man, who, in turn, shall have law-making power, then those people who want an advantage under the law will have some weak, wilful person opposing them when they want to run for office. In God's name never have this state accursed with a judicial council with rule-making power. (Applause).

I want to ask you another thing, my friends: the supreme court will have to do with the appointing of these men, the judicial council, and then they will pass on the acts of their own baby, whether constitutional or what they are. Oh, if Jefferson could arise today and walk in that door and find men who are officers of the court talking about placing the power of the legislature in the hands of lawyers, many of whom are splendid men but many of whom are biased by the interests of their clients, rather than have the power of legislation remain in the hands of all the people, the informed people, the good people, the wise people, the people as a whole, the only safe repository of power. I say to you whenever you pass the judicial council bill in Mississippi the day for legislation touching pleading, practice and procedure will be dealt with by the legislature no more but the judicial council will deal with it.

If you are going to vote on this thing I ask in the name of justice, in the name of fairness, let it be known to the whole bar, that they may be here, and that they may be heard. There are men in the lobby of this hotel, right outside of that door who have no idea that this question was going to come up. We had no information about it, we were given no notice it was going to come up and

to pass on it now would be unjust, unfair and unwise. I ask this body not to put their stamp of approval on this measure.

Oh, you say, other states have it. God forbid that this organization should pass a measure just because other states have it. I would rather be laid beneath the sod this afternoon than see them enact this measure. What is the motive behind it today? If you want to change any practice or procedure, let us discuss what changes you want. Take this section and say let's change it, thus and so, this is wrong and that is wrong, and this should be enacted and that should be endorsed, and you can go before the legislature and have any changes made in the law that you want, but do not let us transmit that power to a judicial council.

Those are my views about it and I have studied it very carefully for years. (Applause).

MR. GEORGE BUTLER: I should like to ask the gentlemen of the committee a question.

PRESIDENT CRAWLEY: Certainly.

MR. BUTLER: The question I want to ask is: How was this judicial council to be appointed or selected. I did not get from the committee report just how that was to be done.

MR. TUBB: Mr. Chairman and gentlemen of the Bar, this report does not set out how these members are to be selected. It recommends merely of whom the members of the council shall consist. That would be provided, of course, in the act of the legislature. We assume, of course, that the supreme court would be authorized to select three of its own members, including the chief justice, and in all probability the legislature might give them power to select the other members of this council. That is up to the legislature, and would be provided for in the act, if one is passed.

Now let us say this: there is certainly no disposition on the part of those members of the committee who have presented this report, to take advantage of anybody, nor is there any disposition on the part of these members that they themselves, their clients, or any group of individuals, shall have any special privilege or favor. That matter is far from the mind of any of us. We simply want to do those things which will promote and expedite the administration of justice in Mississippi. I could not help but think, when my distinguished friend who just addressed you, was making his vehement speech, that he seems to think somebody wants to take advantage of somebody else. That is not our purpose at all.

MR. REILY: May I ask the committee a question?

MR. TUBB: Certainly.

MR. REILY: Has this question ever been mentioned before?

MR. TUBB: So far as Mr. Travis and I are concerned, we have never met before. We looked all over town for you today and we could not get you, and this meeting continued until nearly two o'clock. We are sorry we could not have you in the meeting, but we had to act and get through with it.

MR. REILY: Yes, sir.

MR. TUBB: The gentleman speaks of giving the supreme court legislative power or giving this judicial council legislative power. The supreme court today under the laws of the land, have the power to make rules and regulations, and they have made rules and regulations for practice in their court. The other courts have power to make rules; the chancery court has the power and the circuit courts have the power. The chancellors have meetings—had one last year and promulgated their rules; sent them out all over the state, and chancellors are supposed to be governed by them in procedure in chancery courts. This procedure here that we advocate and recommend, certainly does not take away from the chancery court or circuit court the authority to make rules to be followed in their own courts, in so far as they do not conflict with the general rules that apply to all courts.

The answer that my good friend makes is that we deprive the legislature of the power, assuming that the legislature passes an act for the appointment of a judicial council. What has the legislature done in seventy-five years? It has done nothing. We are following those old rules and regulations that your grandfathers had; they are old and antiquated, and they ought to be superseded by procedure of modern thought and action that will get us results.

That's all we want, gentlemen of the Bar. Now you have it. Take it and do with it as you please. If you don't want it, don't take it.

JUDGE R. M. KELLY: How many members of the committee make this report?

PRESIDENT CRAWLEY: Two.

JUDGE KELLY: How many on the committee?

PRESIDENT CRAWLEY: There are eight, Judge.

JUDGE KELLY: I wonder if the members who make the report know that after consideration and re-consideration for a period of about five years, during which time I was a member, we finally decided at a full meeting of the bar to bury old Judicial Council, and I thought it was buried for good.

MR. JACOBSON: I have always tried to stand for fair play. God being my helper, I will always in the future stand for fair play. Whether this report should be approved or disapproved, it appears to me that we have not at this time given the whole Mississippi bar information about it. (Applause). Not stating how I feel about

it, I am one who would believe that there should be some means and ways so this report should be before every member of the Mississippi bar and let him give his expression thereon. I would never sanction anything in the Mississippi bar that it was not known throughout the bar that the matter was to be passed on and without a majority vote of the entire bar. (Applause). So I move that a committee be appointed to provide means and ways so that the entire bar might be informed of this and get their expression thereon before further action is taken in the matter.

VOICE: Second the motion.

MR. BUTLER: Mr. Chairman.

PRESIDENT CRAWLEY: Your presiding officer is of necessity forced to hold that there is a motion now before the house for discussion, and Mr. Jacobson's motion, therefore, in that state of the record, is out of order.

MR. JACOBSON: I think you are right, Mr. Chairman.

PRESIDENT CRAWLEY: Unless the author wishes to withdraw the original motion.

JUDGE KELLY: I move to table the original motion.

VOICE: Point of order, Mr. Chairman, I thought General Butler had the floor.

PRESIDENT CRAWLEY: I have not recognized him. But there is a motion to table, and if Mr. Butler has anything to say thereon, the chair will recognize him.

MR. BUTLER: I don't know what to say; you have got me in a jam, as I see it. I am not prepared to say that I favor this resolution; I am not prepared to say that I oppose the resolution; but I am prepared to say that I am not in favor of the resolution being adopted or finally disposed of one way or the other at this time.

MR. TRAVIS: We are just presenting it, General.

MR. BUTLER: There is a whole lot of merit in what this committee has said. Personally, I am opposed to this act of congress giving the Supreme Court of the United States the right to prescribe rules of practice and procedure in the federal courts (applause); and my reason for it was a selfish reason, partly because when those rules become effective the practitioners in the large centers of population will prepare and file their own pleadings in Mississippi, and we Mississippi lawyers won't be employed in those cases. Under the present practice they cannot come down in the courts of Mississippi, either federal or state, without having some Mississippi lawyer associated with them, and I believe in Mississippi lawyers getting a chance at the business. (Applause). But that is neither here nor there: that's water that has passed the mill; the act has been passed, the rules have been formulated and

they are going to be adopted, and these foreign lawyers, without associating Mississippi counsel, will be in the position of practicing in Mississippi in the federal courts.

No, I am not so sure that we want to say that the state courts are going to adopt the same rules of practice that the federal courts adopt, or substantially the same rules, and open the doors of our local courts to these fellows when they are going to try cases in Mississippi without associating Mississippi lawyers with them. That is a thing to be thought about.

On the other hand, it is going to be difficult for the Mississippi lawyers to have one set of rules of pleading and practice in the federal courts, and another set of rules of pleading and practice in the state courts.

My thought about this thing is that the committee's report ought to be published in the proceedings; it ought to be received, and it ought to be carried over for twelve months so that the lawyers of Mississippi would know about this situation and what is before us and what it purports, and so they could acquaint themselves with it and be prepared to act upon it at the next meeting of this association.

Now, I am in this embarrassing attitude also—

PRESIDENT CRAWLEY: Mr. Butler, I am compelled to ask that you direct your remarks to the motion.

MR. BUTLER: I was just about to say that I did not know whether my remarks were directed toward the motion, or not.

PRESIDENT CRAWLEY: Just a minute, I don't desire to cut any man off, from any discussion. There is a motion to table, and any discussion should be directed toward the motion, and as long as that motion remains before the house, why, the discussion should be towards that motion.

MR. TUBB: We do not want to take advantage of anybody.

MR. W. E. GORE: I want to ask one question.

PRESIDENT CRAWLEY: All right.

MR. TUBB: I will answer it if I can.

MR. GORE: Anybody can answer this, Mr. Chairman.

PRESIDENT CRAWLEY: I don't know that I can.

MR. GORE: I want to know what is the matter with our procedure anyway. I have been practicing twenty-eight or twenty-nine years. I want to know what is so wrong with it. Any numbskull can practice law in Mississippi.

PRESIDENT CRAWLEY: Gentlemen, there is a motion to table before the house. The proponent of that motion has already

discussed it, as I recall. There has been no discussion on the opposite side. If there is any one who opposes it, they have five minutes within which to speak.

VOICES: Question, question.

Mr. TUBB: Mr. President, I have no desire to discuss this matter further. I understood that General Butler was suggesting that this matter be carried over to the next annual meeting of the Bar. That is entirely agreeable with us; we have no private opinion about it. It belongs to the association. You can do what you like about it. If you think that ought to be done—and perhaps it would be better to let the committee report be published in the Journal—then all members of the Bar in the state can read it and understand it. They will read our discussion of it here today, and if any one who reads it does not understand, he can find out by making inquiry of us.

If any one who does understand this matter will think of it a little, he will find a great many things radically wrong with our present system of pleading, practice and procedure.

I am going to amend the motion to adopt by asking that it lay over until the next annual meeting so that everybody can have an understanding and nobody can claim an advantage has been taken.

MR. REILY: I understood your statement that your amendment was that the committee report be published in the Journal. Will your amendment also include that it be printed in the Journal and lay over until the next annual meeting of the Association, so that both sides could be present?

MR. TUBB: Yes, I understand that both sides could be heard now, and that would be published in the Journal and action could be taken at the next annual meeting.

A VOICE: It would cost $5,000 to publish all that discussion, if we go into that matter at this time.

MR. ELLIS: Put your resolution in there and let it go.

PRESIDENT CRAWLEY: Ladies and gentlemen, there is a motion before the house; there is a motion, that the motion to adopt be tabled, and it has been seconded. So far the motion to adopt has not been withdrawn. Therefore, the motion to table is in order. Is there any further discussion?

MR. ELLIS: May I ask a question? I wish that gentleman would withdraw the motion to table, and then let it go in the Journal, as Mr. Tubb suggested, taking the amendment.

PRESIDENT CRAWLEY: I have no authority or control over Mr. Kelly's motion to table.

MR. JAMES A. CUNNINGHAM: Just a suggestion: I wish the author of the resolution would withdraw the motion to adopt.

PRESIDENT CRAWLEY: If the author withdraws his motion to adopt there would be nothing before the house.

MR. CUNNINGHAM: It would be just a resolution unvoted upon. I just ask if that would not be a mere submission of it.

PRESIDENT CRAWLEY: It would just stand as a submission of a report of a standing committee.

VOICE: That's all. That's right.

MR. TUBB: We withdraw the motion to adopt and ask that it remain on the table.

PRESIDENT CRAWLEY: Does the second withdraw the second?

ANSWER: Yes.

PRESIDENT CRAWLEY: Then that has been disposed of.

MR. BRANDON: Mr. President and members of the State Bar, I take it that the chief opposition to the proposal is that in setting up a Judicial Council with rule-making power, the members of the state bar are fearful of what they might get out of the basket when the eggs are laid, and frankly likewise I am fearful of that. As Judge Reily stated in his remarks, if there is anything wrong with our rules of practice and procedure, let's point out where any fault lies and offer to the members of the State Bar for their approval of suggested changes. I am frankly rather of the opinion that our system as an entirety has much of merit. We must all frankly concede that our system is the excuse for delay—delay ofttimes invoked by counsel representing corporate interests naturally opposed to the trying of the case, which is the opposite of the side Mr. Reily usually advocates. We desire when we have a meritorious action to bring it to a prompt conclusion, at minimum of cost and expense, so that the issue involved might be decided speedily and justly.

May I suggest to the members of the bar that since this is a constantly recurring proposal that we adopt in part the suggestion of the committee to this extent: why not permit this bar or the president or some designated number to set up a committee of this bar to be composed, if you please, of three members of the state supreme court, one of whom should be the chief justice, a member from each of the congressional districts, and a member from the state at large, to prepare a tentative set of rules, which will be submitted, first, to the state bar at the next session for approval, and then submit those to the Mississippi legislature for enactment as law, in which event we would have no cause or need for a judicial council.

MR. REILY: Do you make that in the form of a motion?

MR. BRANDON: I will if it meets the approval of you gentlemen.

MR. REILY: If you do, I will second the motion.

PRESIDENT CRAWLEY: I will have to ask you to state your motion.

MR. BRANDON: The motion is that the president of the Mississippi State Bar appoint a study committee to be composed of three members of the Mississippi supreme court, one of whom shall be the chief justice, three circuit court judges—I believe you had in your plan—and two chancellors, and eight members in active practice, one from each congressional district, and one from the state-at-large, who shall be the Dean of the Mississippi Law School at the University, to formulate those proposals or changes in the practice and pleading and procedure governing the several courts of this state, without direction as to whether or not it shall follow the proposed rules of the United States Supreme Court, to be submitted to the next annual meeting of the Mississippi State Bar, with the request that that committee prepare their proposal so that it be published in the Journal immediately preceding the issue of the next annual convention, there to be considered.

PRESIDENT CRAWLEY: Does that meet your approval as the second of that motion?

MR. REILY: That is practically the same as your first explanation, without the addition of the Dean of the Law School.

MR. BRANDON: That is as nearly as possible as I can make it; that is the same thought.

MR. REILY: That committee is to study the pleading, practice and procedure and report back to this Bar, and the action of the Mississippi Bar submitted to the Mississippi legislature?

MR. BRANDON: Yes, that is my idea.

MR. REILY: I second the motion.

MR. KELLY: Are you including that it be submitted at the next annual meeting?

MR. BRANDON: I did that but I also provided that it be published in the law journal first.

MR. JACOBSON: I have a slight amendment to offer. I amend that motion that if that committee fails to make that report at the next annual meeting, that they be automatically discharged. We must have that report at the next annual meeting, and if they do not make it at the next annual meeting, that the committee be automatically discharged; that there be no continuation.

MR. BRANDON: I accept the amendment, with the further suggestion that they be reprimanded. (Laughter).

MR. REILY: I accept the amendment.

PRESIDENT CRAWLEY: All in favor of the motion will say "Aye"; opposed "No". The motion is carried.

Now, ladies and gentlemen, the next thing we have on the report of committees is the report of the complaint committee—Mr. McFarland. Is Mr. McFarland in the audience?

VOICE: He is not in the room. He has gone.

PRESIDENT CRAWLEY: The next thing we have on the program is miscellaneous discussion and an opportunity to present resolutions. Just a moment, gentlemen, don't go. I have an announcement to make and Mr. Jacobson has some to make. There will be a meeting of the members from Hinds, Yazoo and Madison counties in Room 200 Lamar Hotel at 4:15 this afternoon.

MR. JACOBSON: I am requested to announce that there will be a conference of all circuit judges and district attorneys to be held in the grand jury room tomorrow morning at 8:30, directly across the street.

I wish to announce again that Chancellor A. B. Amis has an open reception from 5 to 6 o'clock this afternoon in his home for the judges of the supreme court, judges of the various courts of the state and the chancellors. His home is located at 1203 38th Avenue, on the way to Highland Park.

I also want to announce that the barbecue will take place at 6 p. m. at Highland Park. We had thought that we would change it on account of rain, but arrangements have been made to hold it in the caroussel room, which will be dry and enclosed, so that there will be no interference on account of rain. We would like for all members who have their cars to use them, and we will furnish cars for those members who have not automobiles.

This evening at nine o'clock there will be a reception and dance at Northwood Country Club, rain or no rain. There will be a fine orchestra; we want you all to go and have a good time.

Again I want to call the attention of the past presidents to the fact that I have invited them to be my guests at breakfast in Room 200 of the Lamar Hotel at eight o'clock tomorrow morning. Come whether you stay out late or not.

PRESIDENT CRAWLEY: I desire to make a change in the time of meeting of members from Hinds, Madison and Yazoo counties, inasmuch as that time has already passed. The meeting will be held immediately after adjournment.

MR. E. L. TRENHOLM: Mr. President, I wish to introduce the following resolution, and move its adoption: (reading)

"BE IT RESOLVED, by the Mississippi State Bar, That all reports of Committees, regular or special, recommending or requiring any affirmative action by the State Bar, be filed with the

Secretary at least six weeks before the meeting to which they are to be presented, and be printed and mailed to each member of the Bar at least three weeks before such meeting, or published in the Bar Journal three weeks for such meeting."

MR. BUTLER: Second the motion.

PRESIDENT CRAWLEY: Any discussion?

MR. CLAYTON: It occurs to me that the report of the finance committee and the Mississippi Law Journal committee, both of which contain no controversial matter, would have to be made at that time, and it occurs to me that an exception should be made in the motion to except those two committees, and I move that they be excepted from the motion.

MR. TRENHOLM: I accept the amendment.

MR. BUTLER: I accept also.

PRESIDENT CRAWLEY: Any further discussion.

MR. BRANDON: Mr. President, and members of the Bar, it seems to me that it would be likely to tie our hands upon matters that we might want to discuss, and that we should not lay down a procedure that would mule-saddle this organization. As has been demonstrated today, there is no desire upon the part of any group of lawyers to put anything over on any other group, but there may be occasions when we might want to discuss a matter freely or to change some committee report, and I think this resolution most dangerous, and I object and make a motion to table.

VOICE: Second the motion.

VOICES: Vote, vote, vote.

PRESIDENT CRAWLEY: You hear the motion and second to table. What is your pleasure? As many as are in favor of the motion to table the resolution will say "Aye"; opposed "No". The motion to table is carried.

Do I hear a motion to adjourn?

VOICE: I move we adjourn.

PRESIDENT CRAWLEY: We will adjourn until 10 o'clock tomorrow morning.

SECOND DAY

JUNE 18, 1937

PRESIDENT CRAWLEY (in the chair): Ladies and gentlemen of the Mississippi State Bar, you will please come to order.

At this time it gives me great pleasure indeed to have this opportunity of presenting to you this morning as the principal speaker

one of the outstanding educators of the United States, a man who is well known to each member of this profession, and whose work at two of Mississippi's educational institutions is outstanding.

I take great pleasure in presenting to this audience Dr. A. B. Butts, who will deliver an address on the Life of L. Q. C. Lamar.

DR. BUTTS: Mr. Crawley, ladies and gentlemen: I have not prepared a manuscript to read to you. I have, however, I hope, prepared my case reasonably well. Since I agreed to accept the invitation of the program committee to appear here this morning I have read and re-read practically everything which I could find on the life of L. Q. C. Lamar. I have attempted, at least in a degree, to saturate myself with the great work of L. Q. C. Lamar. I have read from him; I have read from his biographers. I have re-read the opinions written by him when he was a member of the United States Supreme Court.

If I had to speak this morning on most any other Mississippian I think I should attempt to deliver some sort of an oration, were my subject not L. Q. C. Lamar, I could not deliver any eulogy upon the life of L. Q. C. Lamar, however much I might wish to do so—the subject is too broad.

I thought of reducing my remarks to a manuscript, but I then immediately decided that the manuscript would be one which the time limits of this program would not permit me to read, and so I am just going to talk a little while on the life of the man whom I believe to be Mississippi's greatest statesman of the past, L. Q. C. Lamar.

The institution which I have the honor now to head, is literally saturated in the memories of L. Q. C. Lamar. L. Q. C. Lamar was twice a member of the faculty of the University of Mississippi. L. Q. C. Lamar's father-in-law, Judge Longstreet, was the second chancellor of the University of Mississippi, and L. Q. C. Lamar's son-in-law, Judge Edward Mayes, was the sixth chancellor of the University of Mississippi. In fact the father-in-law, A. B. Longstreet brought Lamar to Mississippi.

L. Q. C. Lamar lived sixty-eight years. Born in 1825, he died in 1893. He was a Georgian; the Lamar family was of Hugenot extraction. Lamar was graduated at Emory University, where his father-in-law had been the second president, and from which presidency his father-in-law came to the University as second president.

Lamar came to Mississippi first to practice law at the Oxford bar, and later to teach at the University. He was there for only a short while, on his first trip, and his first sojourn in Oxford, because it was not to be long before the Civil War was to come nine or ten years after he first came to Oxford. Even so, he had gone back to Georgia once and returned to Oxford again in the short time.

All through Lamar's own correspondence until after the Civil War, and one time after the Civil War, we find him wavering as to whether he should remain permanently in Mississippi or whether he should return to his native state of Georgia, where he had practiced law in Macon and Covington, Georgia, before coming to Oxford, Mississippi.

We could outline Lamar's life, starting with him as a young man reared in a palatial home in Georgia where he spent his childhood, and we could talk about that; then we might speak of him at Emory University, and, next, as a young lawyer establishing himself in Mississippi. We could outline his life further by speaking of his time on the faculty of the University of Mississippi, of his service in the Civil War, where he became a Lieutenant-Colonel in the Confederate Army, where he had a reputation which was to follow him later, a reputation on the battle-field which was to be the same type of reputation which he had later, after the Civil War was over. He was a Lieutenant-Colonel—his Colonel was killed in battle, and he became a commanding officer of a regiment of infantry. He had to retire from the army a little later because of illness. He had a stroke of apoplexy, from which he rapidly recovered.

Soon after this time, we find him as a diplomat. He was sent by the Confederacy as a special commissioner to Russia, and special envoy to England and France. There he did notable work; there he made a lasting friendship with William Makepeace Thackeray with whom he corresponded regularly later. The hoped-for results of the diplomatic mission went awry, and he returned to the United States, returned to enter the army again; and we find him later Judge-Advocate of one of the regiments of the Confederate army, ranking as colonel of calvary.

There were thirteen Lamars in the Confederate army—brothers and cousins made up the group. Seven or eight of them were killed; two brothers of Lamar, both Colonels, one commanding a Georgia regiment, and the other the 5th Infantry of Florida, were killed in battle. That alone had a great influence in the life of Lamar. He commenced wondering, if you will read from him, whether he and other leading statesmen of the Union did not have a great personal responsibility for entering a conflict which was going to lead to naught for the people of the South.

We find him later, after the War, when he was invited to go back to Georgia to practice law, and when he was considering in 1865, going to Memphis to enter a partnership for the practice of law, acting as Robert E. Lee had done. He no doubt said to himself: "No, I had to do with this thing. I was the author of the ordinance under which the State of Mississippi seceded; therefore, if I expected to remain with my people in prosperity, I shall remain with them in defeat." And so he returned to Oxford.

He again became a member of the faculty of the University of Mississippi. Curiously enough he had taught Mathematics; he had taught Ethics; he taught Metaphysics and he had taught even other subjects on the faculty of the University of Mississippi, before 1867, when he became Professor of Law in the Law School at Oxford. He practiced law in Coffeeville and Holly Springs as well as at Oxford.

I wish I had time to go through the record and quote—I shall before I finish quote just a few things from Lamar which will recall for you some of the Characteristics of the man.

Lamar in reconstruction was a grand person; always he was attempting to get his people to follow logically and peaceably a plan to bring the South back into the Union permanently. An ardent "states' righter," Lamar knew how to accept defeat; he was a great pacificator. One speech which he made at the court house in Oxford when he was scarcely twenty-six years old on the subject of states' rights, was the very thing which launched him almost immediately upon a public career. Twice a member of congress, as you recall—a member of the congress which saw Southerners resign when the Civil War started; later a member of congress from the first district; nominated at Tupelo and elected with little opposition; then to the United States Senate; then in the Cabinet, then to the Supreme Court of the United States—such a record, and so deserved by Lamar! I am sure that all of us as lawyers know that with the exception of Mr. Chief Justice Taft and a few others of his kind, there have been few statesmen in this country who have held important posts in all three branches of the government. Mr. Taft, it will be recalled, was head of two of the branches of government, a record which has not been matched. But here we find Lamar a member of the legislative branch of the government, both the House of Representatives and the United States Senate; a member of President Cleveland's cabinet: so in the Executive branch, and one of the two most important members of that Cabinet, as you well know, and then later an associate justice of the Supreme Court of the United States. So his was a complete record of public service, legislative, executive and judicial.

They have said that Lamar was a scholar, a philosopher and a dreamer; that is what they said when his nomination for the Supreme Court of the United States came up for confirmation, and you will recall that his nomination was ratified by a 32 to 28 vote, the California Senator, Stanford, and three others voting for confirmation to make the Democrats have a majority.

But they said he was a scholar, he was a dreamer, he was a philosopher. He was not sufficiently outstanding as a practicing lawyer, they charged. Those of us here who have read from him would answer, "Yes, he was a scholar. What lawyer should not be? But he was a scholar whose scholarship was turned always to the practical welfare of his people. He was a dreamer who could

turn dreams into real accomplishments; he was a philosopher, whose philosophy was accepted quite generally as sound, and this both in the United States and in Europe."

Lamar had the courage of his convictions always. Perhaps you remember about the incident in the federal court at Oxford—and it is somewhat curious that a man who was as even-tempered as Lamar obviously was, should have been the center of a brawl. Somebody had been imposed upon. Leaving out the details of that encounter, an old man had been imposed upon in that reconstruction period by one of the worst characters that the carpet-baggers had ever been able to put in any kind of public position. Lamar had protested in court; some one had questioned Lamar's acts and had questioned his right as a lawyer to say what he had said before the federal judge. Colonel Pierce, who was a carpet-bagger and marshal, and who at this particular juncture was right—even a carpet-bagger could sometimes be right, it seems, in those days—had approached Mr. Lamar with the idea of averting trouble between Lamar and some other person. Lamar, thinking that Pierce was the one who had offended him, turned around promptly and knocked Pierce down. For this Lamar was severely criticised. There came very nearly resulting a riot in Oxford. For this conduct Lamar was really disbarred for a few days from the right to practice in the federal courts, but only for a few days.

In the United States Senate, Lamar was always alert. In a few moments I shall quote from him in his encounter with Blaine and in the clash with Senator Conklin.

Lamar lies buried at Oxford. There is no great epitaph there. Unlike one of the major prophets of Democracy and the South, Thomas Jefferson, who wrote his own epitaph, Lamar left that to others. He just lies there, and on that very simple slab is written, "L. Q. C. Lamar, 1825-1893." That is all that we find there. His record is written indelibly on the pages of history of the Southland and of the nation.

Lamar had courage; he had immense courage. I read a statement a few years ago in the American Mercury, from the pen of a man who certainly is not particularly popular in the South, one who has said mean things about us in the South, who is a destructive critic, but from whom many of us like to read because he makes us just angry enough to make us be ourselves—H. L. Mencken. Henry Mencken said something in that essay which I enjoyed thoroughly, though in every other paragraph of which he put me in a fighting mood. He said a thing which I could not help but think of in connection with Lamar. This is about what Mencken said, "I would not give a snap of my finger for anything that any man says or writes or does unless first I know whether he stood to gain or to lose something of value to himself by what he was saying or writing or doing."

Now, when I come to read a quotation in a few moments from Lamar, what Lamar said when refusing to vote as the Mississippi legislature had instructed him to vote, I ask you to think of what Mencken said. I heard not long ago a definition which does not apply to Lamar. I have another definition which does apply to Lamar. The first definition is of a politician—I mean a bad politician, not a good one. You and I as lawyers and political scientists know that the word "politician" has been badly mishandled. The definition of a politician is that he is "a person who tries to extract votes from the poor and money from the rich on the promise and pretext that he will protect each against the other." (Applause). —I waited for you to do that because it deserves it. It is not my definition—I quoted it.

And then there is a definition of a statesman, which applies to Lamar, and that definition is about like this: "A statesman is a person—an office holder he may be—who is perfectly willing at any time to stake his job on his own judgment." That is my definition of a statesman.

Oh, if we could have more like that. We would have many of them walking the streets at times looking for jobs, but we would be better off generally. If there was one thing that Lamar refused to do it was to delegate his thinking to any other person, and if more statesmen would act that way! There has never been a time in the history of this country, that I have read about, and I have been making a study of the history and the government of our country since I was eighteen years old, perhaps not always understandingly but I have been digging through it—there has never been a time, I say, when we have needed more definitely men who have ability and who will refuse to delegate their thinking to any person anywhere; men who are able and alert, willing to take the consequences of their own mistakes, which, of course, some of us make sometimes and some of us make most of the time.

I could talk on and on about L. Q. C. Lamar. He was to Mississippi what Calhoun was to South Carolina. He had the people of this state more than once in his control, where he could lead them as he pleased, by reason simply of his towering intellect and his absolute integrity. I for one believe that people will follow integrity and intelligence in the main. They will veer from it occasionally and they will go far from it at times. I am convinced even in these days when you and I as lawyers know not of what to be convinced at times, that as a rule, the results of intelligence and integrity will prevail.

I beg your indulgence while I read here just a few quotations from Lamar, because I am still trying to keep within the time limit on this program. Before, however, reading any quotation from this great man, I remind you again as lawyers that Lamar's first opinions are found in the 125th volume of the United States Supreme Court Reports. His very first opinion is found in 125 U. S.

260; his last one is found in U. S. 145. One of his most important opinions, which became historic in judicial literature, is the dissenting opinion in In Re *Neagle,* 135 U. S. 1, the facts of which case arose from the state of California. We find Lamar writing in that dissenting opinion again his own doctrine and avowal that the states after all have some rights sometime.

Much was said about Lamar and by Lamar in his day and time. We are left in no doubt as to the estimate which President Cleveland put upon Lamar. When Lamar was being considered for appointment as associate justice on the Supreme Court of the United States, Congressman Oates of Alabama said: "The President, I know, has the highest opinion of Mr. Lamar. He told me so himself. I heard him say that Secretary Lamar had the clearest and most comprehensive intellect that he had ever known."

You will remember the contest between Lamar and Blaine. Then there was a clash between Conklin and Lamar. Senator Hoar of Massachusetts came in for his rebuke from Lamar. I refer to these things in conclusion.

Blaine had said some ugly things about the South in regard to elections and representation in Congress. When Lamar sprang into action, he said about Blaine's statement:

"That will do pretty well for wit and pretty well for the Senator's peculiar species of perversion, but it will not do for the truth." That is the first quotation.

Then there was that fight with Conklin. Senator Conklin of New York was an able man you know, if you have read about him and from him. Conklin was no man for a pygmy to jump on; one had to be very careful when one crossed swords with his intellect. That is first-reader instruction in American history, and I apologize for reminding my brethren of the bench and the bar again of this incident.

You will recall, I am sure, that Senator Conklin had said that certain senators, among them Lamar, had resorted to tactics in the United States Senate which were unbecoming a gentleman and a senator, and Lamar said, after Conklin asked whether he had misunderstood the Senator from Mississippi: "I have only to say that the Senator from New York understood me correctly. I beg pardon of the Senate for unparliamentary language. The language I used was very harsh; it was very severe; it was such as no good man would deserve and no brave man would wear."

Answering Senator Hoar of Massachusetts, who had compared the record of Jefferson Davis with that of Aaron Burr and Benedict Arnold, Lamar said: "Sir, it required no courage to do that; it required no magnanimity to do it; it required no courtesy. It only required hate, bitter, malignant, sectional feeling, and a sense of personal impunity. The gentleman, I believe, takes rank among

Christian statesmen. He might have learned a better lesson even from the pages of mythology. When Prometheus was bound to a rock, it was not an eagle, it was a vulture, that buried his beak in the tortured vitals of the victim."

And then came a day when Lamar arose in the United States Senate—I am not speaking chronologically now; I am going back in my talk, if you please—to present in the United States Senate a Resolution which had been adopted by the legislature of the State of Mississippi, instructing the two senators from this state to vote in favor of the Bland Silver Act. Lamar had written his wife saying, "I will quit politics forever rather that vote for the bill because to vote for it would be to cast my first vote against my conscience."

His short speech when he arose and cast his vote against the instructions which had been sent him by the legislature of Mississippi was as follows:

> "Mr. President: Between these resolutions and my convictions there is a great gulf. I cannot pass it. Of my love to the state of Mississippi I will not speak; my life alone can tell it. My gratitude for all the honor her people have done me no words can express. I am best proving it by doing today what I think their true interests and their character require me to do. During my life in that State it has been my privilege to assist in the education of more than one generation of her youth, to have given the impulse to wave after wave of the young manhood that has passed into the troubled seas of her social and political life. Upon them I have always endeavored to impress the belief that truth was better than falsehood, honesty better than policy, courage better than cowardice. Today my lessons confront me. Today I must be true or false, honest or cunning, faithful or unfaithful to my people. Even in this hour of their legislative displeasure and disapprobation I cannot vote as these resolutions direct. I cannot and will not shirk the responsibility which my position imposes. My duty, as I see it, I will do; and I will vote against this bill.
>
> "When that is done my responsibility is ended. My reasons for my vote shall be given to my people. Then it will be for them to determine if adherence to my honest convictions has disqualified me from representing them; whether a difference of opinion upon a difficult and complicated subject to which I have given patient, long-continued, conscientious study, to which I have brought entire honesty and singleness of purpose, and upon which I have spent whatever ability God has given me, is now to separate us; whether this difference is to override that complete union of thought, sympathy, and hope which on all other and, as I believe, even more important subjects,

> binds us together. Before them I must stand or fall; but be their present decision what it may, I know that the time is not far distant when they will recognize my action today as wise and just; and, armed with honest convictions of my duty, I shall calmly await results, believing in the utterances of a great American who never trusted his country in vain, that 'truth is omnipotent and public justice certain.' "

And, finally, Lamar rose to superb heights in his eulogy on Sumner, when he said in the United States Senate in one of the greatest orations ever delivered in that body, taking all circumstances and facts in consideration:

> "Would that the spirit of the illustrious dead whom we lament today could speak from the grave to both parties to this deplorable discord in tones which should reach each and every heart throughout this broad territory: 'My Countrymen! know one another, and you will love one another.' "

PRESIDENT CRAWLEY: Ladies and Gentlemen of the Mississippi State Bar, we will next hear the report of the Junior Bar Section of the State Bar of Mississippi, by Hon. Hugh N. Clayton of New Albany, who is chairman of the Junior Bar Section at this time.

MR. CLAYTON: Mr. President, members of the Mississippi State Bar, ladies and gentlemen, as some of you know, at the September, 1936, meeting of the Mississippi State Bar at Greenville, Mississippi, there was organized by resolution of the state bar the Junior Bar Section of the State Bar.

The Junior Bar Section comprises and is composed of all members of the Mississippi Bar under the age of 36 years.

One of the ideas behind the creation of the Junior Bar was to create a forum in the organization in which the younger members of the profession might work for particular measures which affected them more directly than the profession as a whole; and also for the reason that through common practice and experience as we have observed it throughout the sessions of the state bar, the younger members had not taken as active a part in the proceedings of the state bar as might have been wished for.

It so happened that I was selected as chairman of the Junior Bar Section at Greenville, and the proposition before us was the formulation of a program which would justify our existence.

For the information of some who might not be familiar with the position of the Junior Bar, there was created, somewhat similar to the relationship of the Commissioners to the President of the State Bar, an executive committee of nine men, three from each supreme court district; a vice-chairman was selected for the sec-

tion, which, with the chairman, made the executive committee eleven.

About four or five months ago, the chairman of the Junior Bar, got in touch with all of the members of the executive committee, and asked them to suggest certain topics or ideas or subjects that the Junior Bar might consider and work for if we thought they were worthy of attention. These men responded by giving very good suggestions, and every one responded. These suggestions were carried in the third issue of the Law Journal, and the members of the profession in the state were asked to communicate with the committee as to what they thought about the topics.

On April 20th the executive committee met in Jackson and decided on three topics to be considered by the Junior Bar. The three topics chosen were "Encroachment on the Practice of Law by Corporate Fiduciaries," "Unauthorized Practice of Law" and "Establishment of County Courts." With the idea of having a constructive and a progressive discussion of the three topics, it was the idea of the executive committee that the discussion on the topics be led by a committee of three for each topic. In that connection these committees were, first, John C. Satterfield, chairman for the first topic, "Encroachment on the Practice of Law by Corporate Fiduciaries;" second, J. K. Travis of Hattiesburg, on "Unauthorized Practice of Law," and, third, Charles A. Sisson of Clarksdale, on "Establishment of County Courts." These members, with their committees, studied the subject and prepared resolutions.

On last Wednesday we held the first annual meeting of the Junior Bar Section, in this room, at which time these three topics were brought before the Section. The Section enjoyed a very frank, instructive and constructive discussion of the three topics. There was no bitterness, there was no desire on the part of members to engage in flights of oratory, but happily, I might say, everybody was concerned with a meritorious discussion of the subjects and the development of them, and we were gratified with the number present, despite the steady rain.

The resolution last year at Greenville creating the Junior Bar required the Junior Bar to report its actions to the State Bar. That is what we are proceeding to do this morning. In reporting what we did last Wednesday evening, we come before you more or less to give an account of our stewardship so far. Our action last Wednesday was more or less the inauguration of the forum, if we may use that expression.

Of the three topics considered, it was naturally thought that on two of them, on "Encroachment on the Practice of Law by Corporate Fiduciaries" and "Establishment of County Courts," we might seek some legislative enactment in the forthcoming session of the Mississippi legislature.

The chairmen of these committees, who will lead the discussion, will present to you the resolutions which were considered and adopted by the Junior Bar Section.

There was some feeling or some expression at Greenville that the Junior Bar might operate as a body to seek to dictate or to log-roll certain things through the Mississippi State Bar. That is not our purpose, and we hope it will never be the purpose or practice of the Junior Bar.

This report this morning is a report as to what we have done. We come before you and file this report and ask that you receive it. If it should happen that the action we have taken and the action which we hope to take in the future with the Mississippi legislature, meets the approval of the State Bar, then we will be most happy to have the State Bar cooperate with us and us with the State Bar in putting this program into effect. We do not come before you and ask—take this position, that we have adopted this and we want you to come along with us: that we want you to approve everything we have done. We file this report with you and ask that it be received; and if the State Bar will participate with us and we with the State Bar, we will be most happy and glad and anxious to have you, because we realize that the entire membership of the Mississippi State Bar comprises men whose experience is much more wide and varied than that of the entire membership of the Junior Bar. So in that connection I would like to state that these chairmen will read the resolutions adopted by the Junior Bar; they will then make some explanatory remarks, briefly, and if any one wishes to ask any questions about the resolutions, these chairmen will be glad to answer these questions. They will then move that the reports be received, and then if the State Bar wishes to take any action, one way or the other, we will be glad to have you do so. If you wish merely to receive the report, that is all right.

In that connection I now introduce to you Mr. John C. Satterfield of Jackson, who will read the resolution approved by the Junior Bar with reference to "Encroachment on the Practice of Law by Corporate Fiduciaries." Mr. Satterfield.

MR. SATTERFIELD: Mr. President, members of the Mississippi State Bar, ladies and gentlemen, I will read to you the resolution adopted by the Junior Bar Section of the Mississippi State Bar with reference to the encroachment on the practice of law by corporate fiduciaries: (reading)

"BE IT RESOLVED By the Junior Bar Section of the Mississippi State Bar that it is the sense of this Section that the activities of corporate fiduciaries should be limited as follows, to wit:

"First, That it is improper for corporate fiduciaries to draft or have drafted by its attorneys or attorney or others selected and paid by it therefor, any will or proposed form, outline or suggestion thereof.

"Second, That it is improper for corporate fiduciaries to draft or have drafted by its attorneys or attorney or others selected and paid by it therefor, any trust agreement or proposed form, outline or suggestion thereof in which the fiduciary either has no personal interest or under which said fiduciary acts or is to act in a fiduciary capacity.

"Third, That it is improper for corporate fiduciaries to draft or have drafted and/or presented in court by its lay employees, officers, agents, personal attorneys or by attorneys other than those employed at the expense of the estate or trust involved, petitions, orders, or other legal documents (except fiduciary bonds and fiduciary accounts with prayer solely for allowance thereof) relating to or affecting estates or trusts as to which said corporation is or is to become a fiduciary, whether such documents are regarded as administrative, formal or otherwise.

BE IT FURTHER RESOLVED, That the chairman of this section be and he is hereby authorized to appoint a committee to prepare and present to the legislature of the state of Mississippi any legislation which may be necessary to put these principles into effect.

"BE IT FURTHER RESOLVED, That this resolution be presented to the Mississippi State Bar for its action upon the same."

Ladies and gentlemen, I might state that it is the sense of the Junior Bar in this connection that throughout the past, the present and in the future the bar should be held completely and solely on a professional basis; that there should not be allowed to creep in any encroachment whereby any practice of law is placed upon a commercial basis wherefor there is solicitation or advertising for the bringing in of business; that any such action to be taken by an attorney or by a corporation employing attorneys—that there should always remain the relation of attorney and client between the person served and the person by whom he is served, in order that there might be a position of trust to be carried out, and that the Bar Association might be able to supervise and see that that trust is not in any manner violated.

There have arisen in a number of states of the United States situations which come within this resolution. There have gone to the supreme court of ten states violations or activities which are frowned upon by this resolution. For instance, there is advertisement and solicitation in some places by fiduciaries, corporate fiduciaries, that persons may come in and have drafted for them wills and trust agreements by that corporation or by its employees or paid attorneys. In such a case the relation of attorney and client, does not, in fact, arise between the beneficiary and the attorney. In other words, the corporation is either practicing law individually by its officers or by its paid attorney employee. Therefore, in the drawing up of wills and trust agreements, in which there may

necessarily and does necessarily arise a conflict of interest between the beneficiary and the fiduciary, the attorney so drawing up such an agreement, in fact, represents the fiduciary and not the beneficiary, and the relation of attorney and client is destroyed, by the solicitation, the commercialization and the intervention of this corporate fiduciary.

There arises the question of the compensation of the fiduciary, the pay of the fiduciary for the carrying on the estate, and the liability of the fiduciary to the beneficiary, and if the attorney is employed by and paid by the fiduciary and if the business has been solicited by advertisement and personal solicitation by that fiduciary, then in that conflict of interest the attorney necessarily will resolve the same in favor of his actual employer, to wit, the fiduciary.

There can be no question that the preparing of wills and trust agreements is a form of practice of law. This resolution does not carry with it any condemnation of the advertising by nor the participation in the acting as a trustee in an estate or in a will or trust agreement by banking institutions or trust department thereof. It does not condemn or intend to condemn the supervision by attorneys of banking institutions with attorneys or individuals in the preparation of such instruments; but it is aimed at the practice prevalent in many states and prevalent to some extent in this state of the solicitation by commercialization in the preparation by corporate fiduciaries or their paid attorneys of such instruments.

By its terms it specifically does not apply to those attorneys who are paid by and are attorneys for the beneficiary of the estate.

We therefore submit this to you as a report of the Junior Bar Section to the Mississippi State Bar, and Mr. President, we move that the same be filed with the Mississippi State Bar, and upon that motion if there are any questions which the members of the bar would like to ask, I will be delighted to try to answer them. (Applause).

MAJ. CALVIN WELLS: I would like to amend that resolution. I would like to amend that resolution by moving that it be received and adopted.

I think the work of the Junior Bar is justified and I feel that they have made good. The splendid, clear, concise manner in which these young men have presented this matter meets with the admiration of all of us, and I believe we ought to adopt—not only receive it, but that we should adopt the resolution of the Junior Bar Section. (Applause).

PRESIDENT CRAWLEY: Do you accept that amendment?

MR. SATTERFIELD: I accept that amendment.

JUDGE FRANK E. EVERETT: Mr. President, I want to second that motion. In doing so I want to say that I am really

proud that I had something to do with the creation of the Junior Bar. I want to say further that it was my thought then and it is now that if the Mississippi State Bar ever does anything of note, it will be through the members of the Junior Bar. I second that motion. (Applause).

PRESIDENT CRAWLEY: Gentlemen, you have heard the motion and you have heard the second. Is there any discussion?

VOICES: Question, question, question.

PRESIDENT CRAWLEY: There seems to be no desire to discuss it. All in favor of that resolution as offered and as amended let it be known by saying "Aye"; those opposed "No". The "Ayes" have it, and the resolution stands received and adopted.

MR. ROBERT H. POWELL: All of us here agree with that resolution, but those most in need of it are not in the city today. I move that the secretary of this association be authorized and empowered to print in several papers of Mississippi the adoption of this resolution so that others who are doing these things may know how we stand. (Applause).

PRESIDENT CRAWLEY: I desire to state that this report will be printed in the Law Journal.

MR. POWELL: Like the preacher at a prayer meeting: those who need it are not there. Let's have it published in the papers. (Applause).

PRESIDENT CRAWLEY: Don't you think it sufficient to be printed in the Law Journal?

MR. POWELL: No, I say it should be printed in some of the best papers in Mississippi; let the people who are working this practice know how the association stands.

VOICE: Second the motion.

PRESIDENT CRAWLEY: It has been moved and seconded that the Secretary of the State Bar have this resolution printed in several newspapers throughout the state—run as a press item. Is there any discussion?

All in favor of the motion let it be known by saying "Aye"; all opposed "No". The motion stands adopted.

MR. CLAYTON: We have two more resolutions. I think the next resolution will call for unanimity among the brethren and we won't have any "No's". This is one in which we condemn something that all of us suffer from more or less, possibly some younger lawyers and most of the older ones, that is, the unauthorized practice of law. This resolution does not call for any affirmative action insofar as legislation is concerned: it calls for a more stringent observance of the law as it is now.

Mr. J. K. Travis will present the resolution on the "Unauthorized practice of law." Mr. Travis. (Applause).

MR. TRAVIS: Mr. Chairman, members of the Mississippi State Bar, ladies and gentlemen, I shall present to you a resolution on the unauthorized practice of law, which was adopted by the Junior Bar Section of the Mississippi State Bar at its meeting on Wednesday evening: (reading)

"WHEREAS, it is being constantly asserted that the practice of law in our state is being engaged in by individuals who are not members of the Bar, in giving legal advice for compensation and in performing of various and sundry legal services, such as preparing wills, escrows, deeds, mortgages, chattel mortgages, bills of sale, contracts, offers, options, leases, schedules, petitions, etc., in bankruptcy, incorporation and partnership documents, releases, affidavits, opinions on title to real estate, court petitions, pleadings, accounts, reports, etc., and in appearing before minor courts for their clients or customers, etc.; that Justices of the Peace, Notary Publics, Real Estate Agents, Real Estate Brokers, Insurance Agents, Auctioneers, Accountants, Adjusters, Chancery and Circuit Clerks, other court officials, and Collection Agencies, are among those engaged in such unauthorized practice; and that lawyers themselves sometimes engage in unauthorized practice; and

"WHEREAS, for the protection of the public and the profession of law, the legislature has imposed certain requirements, regulations and conditions upon those who desire to pursue the profession, and has likewise prescribed fines and penalties for breaches of such statutes; and

"WHEREAS, the proper administration of justice and the protection of the interests of the public as well as of the legal profession require that the practice of law be restricted to those who are duly licensed to practice; and

"WHEREAS, such unauthorized practice leads to fruitless expense, distrust of litigants and disrespect for law and the courts; and

"WHEREAS, the young lawyers are especially interested in the reforms under consideration, since they are naturally entitled to the fees and experience arising from such unauthorized practice; and

"WHEREAS, the practice of law by unauthorized persons is an evil, injurious to the litigant and the public, and brings the profession into disrepute, and should therefore be remedied;

"THEREFORE, BE IT RESOLVED:

"1. That the Junior Bar Section of the Mississippi State Bar condemns the practice of law by any and all persons other than duly licensed attorneys, and recommends that appropriate action be

taken to check, so far as practicable, the further practice of law by unauthorized persons.

"2. That we hereby entreat the Mississippi State Bar, the Attorney General, District Attorneys, Judges, Chancellors, and other public officials, so far as they may, to join in the movement to rid our state and our profession of unauthorized practitioners of the law. And it is hereby suggested that appropriate proceedings be instituted against those who persist in the practice without license so to do.

"3. That it is our belief that individuals or associations engaged in the unauthorized practice of law should be interviewed and requested to desist from the unlawful practice before resort to court action against them.

"4. That the circuit judges in the state are requested to explain the statutes involved, on organizing and beginning courts, when county officials are present, and to urge the grand jury to investigate all unauthorized practice complaints, and to indict where the evidence warrants.

"5. That a committee be set up by the State Bar, whose duty it shall be to make a list of unauthorized practices to be delivered to Notary Publics, Justices of the Peace, and other officials upon their entering upon the duties of their respective offices, to the end that such officials may be informed as to what they may legally do, in virtue of their respective offices.

"6. That this matter be brought to the attention of the general public through the press and otherwise, to the end that the dangers of unauthorized practice may be understood, and that the public, through proper education may know that duly licensed lawyers can better serve since they are under control of the courts at all times, have a high code of ethics to which they must conform, and since the public has recourse through the Bar and the courts against them if they fail to live up to their oath of office.

"7. That the local bar associations in the state be urged to cooperate in every way possible to rid our state and profession of unauthorized practitioners, and that we favor coordinated action by local, state and national associations, to the end that the state and country at large may be relieved of this ever-growing evil.

"8. That a copy of this resolution be furnished the Mississippi State Bar for such action as it deems proper, and to the press.

"Respectfully submitted,

"J. K. Travis,
"Ralph L. Landrum,
"Frank E. Everett, Jr.,
"Committee."

MR. TRAVIS: (continuing) Gentlemen of the bar, this resolution speaks for itself. My speech, if such it is, will be brief. After hearing the famous addresses we have had during this meeting, I would hesitate as a member of this bar to even attempt to make a speech. I might say for me to attempt to enumerate the many instances of the unauthorized practice of law would lead to endless discussion. I do not need to reiterate those instances because you gentlemen of the Bar are more familiar with them, perhaps, than I am.

It is well known that, for example, real estate brokers, real estate agents and others are doing a general conveyance business. It is also known in many instances that they prepare wills and other contracts for those tenants and others who come to them. It is also known that real estate agents and others, in carrying on their general business, frequently, for example, even before justice of the peace courts and other courts of that classification in landlord and tenant and re-possession actions, and file all papers that may be necessary in the prosecution of those matters. Those are things with which you are familiar.

You are, of course, familiar with the evil of the collection agencies. We know that collection agencies, to a large extent, are destroying the personal, direct relationship which does and should exist between attorney and client. That is the extreme danger of the collection agency. There is no harm in these collection agencies' simply collecting accounts where they do not engage in the unauthorized practice of law, but still it is perfectly obvious to the members of the Bar that these agencies, in 99 cases out of 100 actually select the attorney. It is true that in many instances, in order to avoid this charge, they simply write the creditor in the particular case that it has become necessary to employ some attorney and suggest that he name the attorney. In 99 cases out of 100 the attorney is not named and the collection agency names the attorney. The attorney in that case is the attorney for the collection agency, and not the particular creditor. He does not even know the particular creditor. We also know that these collection agencies—in many instances, these collection agencies actually prepare the papers, and in some instances file those in proceedings, perhaps groundless claims, perhaps outlawed claims; they join in certain claims husband and wife and other parties who are not liable, in order to provoke settlement. I do not need to enumerate the many instances of this kind because you are familiar with them.

I would like to say, though, that our general aim is not selfish. I will admit that the young lawyer is suffering because of unauthorized practice because it takes away from him compensation that should come to him, and more and more it deprives him of the experience which he should have while he is young, so that when important matters come to him he will be able to handle the trust.

Gentlemen of the bar, it is well known that the unauthorized practice of law by those who are not entitled to practice and who are ignorant of the law, frequently creates more work, more money for better lawyers. Gentlemen of the bar, it takes a good lawyer in some cases to straighten out real estate titles after some one who does not understand land and conveyances and title work has prepared some erroneous proceeding involving real estate. I have found myself in many instances going to better lawyers to straighten out those titles. Such evils as this should be corrected.

Our aim is not selfish; our aim is protection of the interest of the public and the interest of the profession. If we stress any other aim we are likely to fail because we will array against us a movement which would inaugurate all of those engaged in the unauthorized practice, and then our case will fail.

Our aim, therefore, should be the protection of the public and the promotion of the best interests of the public.

Our investigation has revealed that almost every effort toward reform along this line has been met with the doctrine of lack of consideration, and therefore, that that particular practice is not unauthorized. It is true that a lack of consideration would probably defeat criminal action, but on the other hand, courts in many of our states have held that consideration is not the proper criterion—the proper criterion is the character of service performed; and that is what should be looked into.

We have made no specific recommendation as to legislation because we feel that our statutes as they now exist are sufficiently broad to correct the evils which we have named. We realize that no adequate stereotyped definition of the unauthorized practice of law could be framed. We also realize that in any case, resort to court to interpret those phrases, would be inevitable. We have not recommended any legislative action, although should that become necessary, it is the sense of the committee that our resolution is broad enough to permit legislation.

Without further comment, Mr. Chairman, I move that this resolution be received and filed. (Applause).

JUDGE EVERETT: I want to amend that motion, that it be received and adopted.

MAJ. WELLS: Second the motion, as amended.

MR. W. A. ELLIS: I want to offer a substitute that we give a vote of thanks to the committee for their inexhaustible report and extensive study, and that we let this report lay over until the next regular meeting of the association.

PRESIDENT CRAWLEY: Any second to that motion?

VOICE: How was that?

PRESIDENT CRAWLEY: His motion was that the report lay on the table until the succeeding meeting of the association.

VOICES: No, no.

PRESIDENT CRAWLEY: Do I hear a second?

Lost for want of a second.

MR. CUNNINGHAM: May I ask the gentleman of the committee a question?

PRESIDENT CRAWLEY: Certainly.

MR. CUNNINGHAM: Would you desire to put into the preamble the words "without consideration"?

MR. TRAVIS: My only purpose in having "for consideration" would be to include the cases that might become necessary to resort to criminal action.

MR. CUNNINGHAM: Don't you think it wise to include "with or without consideration" and that would include everybody.

MR. TRAVIS: That is true, it is our purpose to make it broad enough to include everybody possible.

VOICE: Read the preamble, that part of it with reference to that.

MR. TRAVIS: (reading) "Whereas, it is being constantly asserted that the practice of law in our state is being engaged in by individuals who are not members of the Bar, in giving legal advice for compensation."

MR. CUNNINGHAM: Why those words "for compensation"?

MR. TRAVIS: That was put there because many of them are actually charging compensation.

MR. CUNNINGHAM: I move to amend by striking "for compensation."

JUDGE EVERETT: I second the motion.

PRESIDENT CRAWLEY: Just a moment and I will entertain your motion.

MR. TRAVIS: We have no objection to amending our resolution and let it read "for or without compensation."

MR. CUNNINGHAM: That is all right.

JUDGE EVERETT: That is all right.

PRESIDENT CRAWLEY: Ladies and gentlemen you have heard the resolution and the amendment, and the motion is that it be received and adopted as amended. Is there any discussion?

VOICES: Question, question.

PRESIDENT CRAWLEY: All in favor of the motion that the report be received and adopted as amended will let it be known by saying "Aye"; all opposed "No". The "Ayes" have it and the resolution is adopted as amended.

JUDGE EVERETT: I would like to make this request, and I will give my reason for it. During the time I was officially connected with the Bar Association, throughout my section of the country, I had appeal after appeal made to me by the chancery clerks for the Bar Association to do something about the ABC, XYZ organizations and the Federal Seed and Feed Loans; that they were demanding of the chancery clerks that they look up the records of titles of people who were making loans and certify those titles without any compensation whatever, simply demanding it of them, and the clerks said if they did that they would have to employ three or four extra deputies in order to do so. I move, Mr. President, that the secretary be authorized and directed to have sufficient copies of this last resolution made and sent to every chancery clerk and circuit clerk in the state.

VOICE: Second the motion.

MR. CUNNINGHAM: Does not the resolution make some such provision itself?

MR. CLAYTON: The resolution provides that the state bar shall have the list of unauthorized practices printed so that notary publics and justices of the peace might have a list, but I do not believe there is any provision for chancery or circuit clerks.

MR. TRAVIS: It does say "other court officials."

MR. CLAYTON: That covers circuit and chancery clerks, but the motion as made by Judge Everett calls for something else than that provided for in the resolution.

PRESIDENT CRAWLEY: All in favor of the motion as offered will say "Aye"; all opposed "No"; and the motion is carried.

MR. CLAYTON: We did have the unanimity I thought we would have, but I don't expect unanimity on this proposition, although it is one, we believe, full of merit. Of course, the exact details of it cannot be worked out here. It seeks a monthly tribunal in counties which because of population or assessed valuation, etc., do not at present have county courts.

It has been the experience of some of us in counties that do not have county courts, frequently litigants have a hard time getting their cases tried. Sometimes it is a year or two before a litigant can get his cause tried, and that is the reason the Junior Bar approves the submission of the proposition to the legislature seeking to create by some system or device means of having a monthly tribunal in the counties of the state.

Mr. Sisson, the chairman of the committee, has made a rather exhaustive study of the effect of the county court in Coahoma county. He has given quite a good deal of time to it, and I believe his report will be illuminating and educational.

MR. SISSON: Mr. Clayton seems to have invited trouble on me. I don't see why he should think we should not have unanimity here as on the other two.

I want to present the resolution which was adopted by the Junior Bar Section with reference to county courts: (reading)

"BE IT RESOLVED, by the Junior Bar Section of the Mississippi State Bar in regular convention assembled, at Meridian, Mississippi, on this the 16th day of June, 1937:

"That, in order to provide a forum in each county in which litigation can be disposed of promptly and efficiently, the Junior Bar Section of the Mississippi State Bar hereby approves and wholeheartedly recommends the creation of county court districts composed of one, two, three or four counties, so that a county court shall be held once a month in each county;

"That the Chairman of the Junior Bar Section appoint a committee to prepare and present or have presented at the next session of the Legislature an amendment or amendments to the chapter of the Mississippi Code of 1930, and amendments thereto, dealing with county courts, thereby creating county court districts;

"That there shall be held in each county once a month a term of county court;

"That the judges of each of said county court districts shall be elected by the qualified voters in the respective districts.

"That the salaries of each of said judges shall be borne prorata by the counties in the respective districts;

"That the committee in drawing up such amendment or amendments shall, in providing for the respective districts, take into consideration the population, assessed valuation, geographical location, and highway facilities of the counties composing the county court districts."

MR. SISSON: (continuing) As Mr. Clayton told you, before drawing up this resolution, a study of the work of the county court of Coahoma county, was made, and the facts as shown there convinced this committee that the county court gave the relief which we of the Junior Bar section desire.

As many of you know, probably all of us know, in the great majority of the counties, the circuit court dockets are crowded; we may have to wait one, two or three years, to get a law suit tried. That is hard on the young lawyer; we might be starving in the meantime. We also know that witnesses get out of pocket; that

after a long period of time, even though we might have a meritorious claim we might have a hard time presenting it.

The county court act went into effect in 1927. The county court of Coahoma County started functioning in 1927. On the civil docket of the county court of Coahoma county from 1927 through Thursday of last week there have been 1708 cases disposed of. By disposed of I mean they have been compromised or settled or dismissed, or final judgment has been rendered. Of course on a good many they are issuing still writs of execution, but the mere fact that the defendant cannot satisfy the judgment or the judgment cannot be made out of the defendant cannot be blamed on the county court.

Of the 1708 cases disposed of in that length of time, from 1927 through Thursday of last week, there have been only forty-four appeals. I think that in itself shows that the lawyers and their clients are satisfied with the results they are getting from the county court, that is, they feel that they are getting a fair and square trial insofar as the law and evidence is concerned. Of course, we are not satisfied when we lose a lawsuit, but we feel that we have had our chance in court and it would be useless to appeal.

I want to say again that out of 1708 cases there have been only 44 appeals taken; that is, on the civil side of the docket.

Of the cases filed or docketed from 1927 there were nine cases not disposed of. In 1937 as of last Thursday there were eleven cases not disposed of, except 83 slot machine cases which are being held up pending appeal to the supreme court with reference to another matter. Of those 1708 cases 965 were disposed of within one month; in the second month there were an additional 316 disposed of and in the third month an additional 147. After we pass the sixth month it drops down 13, 10, 11 and so forth. Practically all of those cases the docket shows continuances, and from my experience before the court, those continuances were granted upon the request of attorneys by agreement or by no opposition from the attorney on the other side.

Reference to the criminal docket shows 960 cases docketed from which there have been nine appeals. From 1927 through last Thursday of this year 960 criminal cases disposed of with only 9 appeals. In 1936 there were still two cases on the docket which were put on the docket in '36 not disposed of, and up to last Thursday 7 cases filed in 1937 which were not disposed of. Of the 960 cases, 688 were disposed of within one month.

Now, the effect of the County Court in Coahoma county, on the circuit court docket, I think, will demonstrate the usefulness of the county court, if the figures already given you have not already done so.

In 1926 there were 144 cases on the issue docket of the circuit court and 70 cases on the state docket, making a total of 214 cases.

At the February term, 1927, which was only the second month after the county court went into effect, there were 102 cases on the issue docket, and 38 on the state docket, or a total of 140 cases. At the September term, 1936, which was the last term of court in which we had both criminal and civil business, the February term having been pretermitted on account of the flood scare, there were 27 cases on the issue docket, 18 cases on the state docket, making a total of 45 cases. At the September term, 1926, there were 214 cases, and at the September term, 1936, a total of only 45 cases.

Any man, any attorney or client, who wants to dispose of his case in the circuit court at any of the terms of the court can do so, that is, insofar as the docket is concerned. It has come to the point where every one ready for trial can have his case tried in the circuit court at any time, and the circuit court cleans its docket every term. Many of us at times are not ready for trial and ask for a continuance, but it is not as it was in the past, that is, you could not get to trial if you wanted to. Now, you can get to trial, if you want to at any term of the court.

Only fifteen counties in Mississippi have county courts. A study of the conditions and records in other counties has not been made, but it is fair to assume from what happened in one county that similar results are probably taking place in other counties that have the county courts at present.

Now, this resolution calls for a committee to be appointed by the chairman of the Junior Bar Section to draw up an amendment or amendments to the Mississippi Code dealing with county courts, creating county court districts, composed of one, two, three or four counties. In my opinion it would be unwise to have as many as four counties in any district. That is up to the county to be appointed by the chairman of the Junior Bar Section.

I would like to call your attention to the fact that in drawing up this amendment the committee is directed to take into consideration the population, assessed valuation, geographical location and the highway facilities between the counties which would go to make up the county court district.

The question was asked at the meeting of the Junior Bar Section with reference to those counties now having county courts. It was the idea of the committee that those fifteen counties which now have county courts would form each a county court district; in other words, we would not disturb them. They are Coahoma, Tunica, Quitman, Hinds, Lauderdale, LeFlore and others.

We feel by the creation of the county courts, the lawyers as a whole would benefit; the clients will benefit, and we submit this report and ask that it be received. (Applause).

Civil Cases Disposed of by the County Court of Coahoma County, State of Mississippi, Showing Number of Cases Filed Each Year, and Number of Cases Disposed of in One, Two, etc., Months After They Were Placed on the Docket

Year:	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	Total
Months												
1	83	77	73	127	158	125	103	59	78	70	12	965
2	55	39	36	49	47	32	17	8	17	11	4	315
3	29	20	26	18	10	16	7	5	8	7	1	147
4	22	8	10	10	6	12	8	8	8	1		93
5	6	9	5	1	2	3	1	4	11	3		45
6	6	11	2	1	7	2	3	3		3		38
7	3	3	1	7	6	1	1	1	6	1		30
8	4	3		1	2				3			13
9	1	1	2		2				3	1		10
10		1	2	1	1							5
11	2	2	5		1	1						11
12					4	2	1					7
13		1	1	1	1							4
14												0
15	7		2				1		1			11
16												0
17			3					1				4
18	2											2
19												0
20	1		1						1			3
21												0
22							1					1
23	2											2
24												0
25												0
26												0
27												0
28												0
29												0
30												0
31												0
32		1										1
33												0
34												0
35					1							1
TOTALS:	223	176	169	216	248	194	143	89	136	97	17	1708
APPEALS:	12	7	2	1	7	6	3	2	1	3	0	44

NOTE: 1932—Cases involved in liquidation of Bank—61 months—not closed.
1936—9 cases not disposed of.
1937—84 Slot Machine Cases—Proceedings held up pending appeal to Supreme Court.
1937—11 cases not disposed of besides the Slot Machine Cases.

NOTE: Above figures are complete through the May 1937 Term of County Court.

Criminal Cases Disposed of by the County Court of Coahoma County, State of Mississippi, Showing Number of Cases Filed Each Year. and Number of Cases Disposed of in One, Two, etc., Months After They Were Placed on the Docket

Year:	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	Total
Months												
1	114	128	95	59	69	80	42	34	37	18	12	688
2	33	49	24	20	3	7	3	3	3	11	1	157
3	9	13	3	2		5		4	4	2		42
4	21	18	4		2	1	1			1		48
5	2		1	2					1			6
6	2	3	3	1		1						10
7	5											5
8		1										1
9												0
10	2											2
11												0
12	1											1
TOTALS:	189	212	130	84	74	94	46	41	45	32	13	960
APPEALS:	0	1	2	3	0	1	0	1	0	1	0	9

NOTE: 1936—2 cases not disposed of.
1937—7 cases not disposed of.

Comparison of the Cases on the State and Issue Docket of the Circuit Court of Coahoma County, Mississippi, Since Creation of the County Court

	Issue	State	Total
September Term 1926	144	70	214
February Term 1927	102	38	140
May Term 1927 (Civil only)	99		99
September Term 1927	113	29	142
September Term 1936	27	18	45
February Term 1937 (not held due to flood) May Term 1937 (civil only)	20		20

PRESIDENT CRAWLEY: Ladies and gentlemen of the Mississippi State Bar, you have heard the report; you have heard the request that it be received and filed, and I presume recorded in the record of these proceedings.

VOICE: Yes.

MR. ELLIS: I move that it be received and adopted.

VOICE: Second the motion.

PRESIDENT CRAWLEY: It has been moved and seconded that this report be received and adopted. Is there any discussion?

VOICES: Question, question, question.

PRESIDENT CRAWLEY: All in favor of the motion let it be known by saying "Aye"; opposed "No"; the "Ayes" have it and the report is adopted.

MR. CLAYTON: I realize that I am not much of a prophet, and I apologize to Mr. Sisson.

It occurs to me since you have adopted this, it might be a good idea for the President of the State Bar to appoint a committee to work with the committee of the Junior Bar in the drafting of the

proposed act to be submitted to the legislature. I submit that as a suggestion to you, if you think proper.

MR. CUNNINGHAM: There would have to be a unanimous agreement that the report be amended.

MR. CLAYTON: It is a second motion.

MAJ. WELLS: That the incoming president make the appointment. I second that motion.

PRESIDENT CRAWLEY: It has been moved and seconded that the incoming president of the Mississippi State Bar appoint a committee of the Mississippi State Bar, other than Junior Bar Section members, to work in connection with the committee of the Junior Bar Section of the State Bar in connection with this matter. Any discussion?

If there is no discussion, all in favor of the motion will say "Aye"; opposed "No". The motion is carried. The secretary will inform the incoming president.

MR. CLAYTON: That concludes our report of the Junior Bar. We wish to express our appreciation to all of you for the way you have received our report.

It has been my pleasure and privilege to work with both Judge Everett and Mr. Crawley as presidents of the State Bar in connection with the creation of the Junior Bar Section and this past year we have received from them and from all members of the State Bar a very active, sincere and cordial cooperation. We want to thank them, and since this is my valedictory address, Mr. Jesse H. Graham having been elected chairman of our section, I want to take this occasion to thank all of you for your support. I also wish to thank—for the purpose of the record—these committees who have worked so untiringly that we might go forward with this progressive program, and I trust that it will be of benefit not only to the members of the bar of Mississippi but to the state of Mississippi and society as a whole. Thank you very much. (Applause).

PRESIDENT CRAWLEY: In behalf of the older members of the State Bar, who by virtue of the passage of time were not permitted to become members of this wonderful organization, whose report we have just heard, as your president, permit me to extend to them and their committees our sincere thanks and appreciation for their efforts and results. God speed them on their way. (Applause).

Mr. Jacobson has a few more announcements to make. I hope they are as satisfactory as those he has made before.

MR. JACOBSON: Mr. President, friends, I suppose you get tired of hearing me make announcements, but we have really saved the best for the last, and that is, the local bar association wants to urge on all of you to attend the banquet tonight. (Applause). The

banquet will be held at this hotel at eight o'clock, and it is requested that you have the admission cards with you, that were given you at the registry desk. We have prepared a good dinner, and there will be a feast of reason and a flow of the soul. We will not keep you late; we urge all of you to attend this banquet. Thank you. (Applause).

PRESIDENT CRAWLEY: There is one proposition on which I want to get your reaction, I want to know what each of you wishes to do about it. What is your pleasure with reference to going ahead with the election of officers before we adjourn for the noon hour.

JUDGE KELLY: What have we on the program?

PRESIDENT CRAWLEY: We have a speech by you, which I was just about to call on you to make.

JUDGE KELLY: I am going to ask that I be allowed to submit my remarks for the record, and if we have nothing else on the program, I suggest that we terminate the convention before we adjourn.

PRESIDENT CRAWLEY: I have two matters here that I have been requested to allow to be presented by those interested. Judge Kimbrough wants to offer a resolution—I don't know what it is; and Dr. Galloway wants to make a five minute talk on a question of some importance to the medical profession.

JUDGE KELLY: It occurs to me if there is nothing else of special importance, it would be well to go into the matter of election of officers, as we did a year ago, and wind up affairs in the one session; it would save a good deal of time.

PRESIDENT CRAWLEY: Will you withdraw your motion just for the time being until we hear these other matters?

JUDGE KELLY: Yes.

PRESIDENT CRAWLEY: We will hear from Mr. Geo. M. Ethridge.

MR. ETHRIDGE: Mr. Chairman, members of the State Bar, it gives me great pleasure to tell you that there has been organized in Mississippi a social hygiene association. This association was really organized in this section, in and around Meridian. Of the officers, one is a lawyer, one doctor and one layman. Mr. Thomas L. Bailey is president of this organization, and it is my purpose, if it be in order, to ask unanimous consent of the State Bar to present Dr. D. D. Galloway, who is the corresponding secretary of this organization, to present to you in about three or four minutes an explanation of the plans and purposes of the organization, and if it is agreeable, I would like to present Dr. Galloway. (Applause).

DR. GALLOWAY: Mr. President, gentlemen of the Mississippi State Bar, ladies and gentlemen, I think nothing but an

emergency would justify the intrusion of a layman in your official association here where you are engaged in so many activities of such importance to our people, but the emergency is here. If our house had caught fire twenty years ago, it would not have been an emergency as long as we did not know it. If we found it out in the next two minutes, we would have a real emergency; that is the situation in regard to the health of the people of this state.

We have a disease known as syphilis that has been destroying our people, our women, our men, our children, and this has been going on for many, many years, and so we have requested just five minutes here of your time to inform you of the purpose of the organization known as the Social Hygiene Association which is affiliated with the American Social Hygiene Association, formed about twenty years ago to fight this disease in all parts of the United States.

We have each year reported in Mississippi approximately 16,000 cases of syphilis, which come from all sections of the state. In our clinic, supported by the United States public health service and other agencies over 300 cases a week, 300 people under treatment, and this has been going on for years and years. It is going to require much effort for many years to stamp out this disease in the state of Mississippi. The Mississippi Social Hygiene Association is requesting the Mississippi Bar to endorse this movement and appoint a committee to help us have a state-wide meeting here in Meridian in November to formulate a state-wide program. I thank you very much. (Applause).

MR. ETHRIDGE: I have a resolution here that I will read, which touches the subject-matter of Dr. Galloway's remarks: (reading)

"WHEREAS, a healthy citizenship is one of the state's greatest assets and,

"WHEREAS, the prevalence of syphilis in the state and the nation has become one of the greatest menaces to life in our country, and

"WHEREAS, it is the opinion of the Mississippi State Bar Association that a vigorous campaign of enlightenment as to the true conditions prevailing should be conducted with a view of delivering our people from this scourge;

"NOW, THEREFORE, BE IT RESOLVED, By The Mississippi State Bar Association that the formation of a state-wide association known as the Mississippi Social Hygiene Association, whose primary purpose is to disseminate information with a view of prevention and cure of syphilis, be given the hearty approval of the association, and that its membership be urged to cooperate in this great movement in the interest of life and health of our state.

"BE IT FURTHER RESOLVED, That the president of this association be and he is hereby authorized and empowered to appoint a committee of five members of our association to cooperate in this work."

MR. ETHRIDGE: (continuing) I move the adoption of the resolution.

VOICE: Second the motion.

PRESIDENT CRAWLEY: You have heard the resolution read and you have heard the motion and second to adopt. Is there any discussion?

VOICE: Vote.

PRESIDENT CRAWLEY: All in favor of the motion will say "Aye", all opposed "No". The "Ayes" have it and the motion is carried.

I am ready to entertain that resolution, Judge Kimbrough.

JUDGE KIMBROUGH: Mr. President and members of the Mississippi State Bar, I feel sure that every one of us here feels proud of the work that has been accomplished at this first meeting of our Junior State Bar; they have done a splendid work. Since I have been here on this occasion I have heard expressions from various members of the Mississippi State Bar to this effect, that the State Bar is not accomplishing what it ought to accomplish; that it is not functioning as it should function. We have used the expression that we are looking to the Junior Bar, the young members of the Bar, to accomplish something in the way of a bar organization. I think that is an admission of weakness on the part of this State Bar. We are proud of what the younger members are doing, but it is up to us to present a leadership which the younger members of the bar may follow and emulate.

With that in consideration, I move that the president of the state bar or of this bar association, instruct the bar commissioners to make a study and survey of what is being done by the outstanding state bar associations of this country—that they make a study and survey of what is being done, and report back to this association at its next meeting, and make suggestions of what may be done by this association to bring into the association more of the membership of the bar of the state.

We have today present here about 250 members of the Mississippi State Bar, a mere bagatelle of the whole bar. We ought to have six to eight hundred members present here today.

You heard the distinguished speaker on yesterday say to us that unity, that organization meant power, and that is what we need in this association, better and stronger organization, in order that the lawyers of the state of Mississippi may exercise more power.

Now, other state organizations are working this matter out in an effective way: they have their meetings; they come there as a working organization, not for a few days of play, but for the purpose of working out constructive problems that will benefit the bar as a whole and the lawyers individually.

I move therefore that this survey and study be made and that the bar commissioners present something in a concrete way something that will bring into the organization more of our membership and will give us a better organization.

MR. REILY: I rise to second the motion which was made. It occurs to me that it is a thing that will mean a great deal to this association.

PRESIDENT CRAWLEY: You have heard the motion and the second. Any discussion?

MR. FORREST G. COOPER: I am thoroughly in favor of the resolution. Would it not be better if they were authorized and directed to put into effect before the next meeting the results of their investigation that we may have the benefit of it during the coming year.

JUDGE KIMBROUGH: I do not know whether they would have the power to put it into effect.

MR. COOPER: I believe this body has the power.

MR. REILY: Do I understand that the bar commissioners are to confer with other associations, to take such steps as commend themselves to them, and attempt to put those conclusions into effect before they are reported back to this bar?

MR. COOPER: That was my idea.

MR. REILY: Then I withdraw my second. My idea was that it be presented to this Bar and this Bar have the power to put such recommendations into effect, if it saw fit.

PRESIDENT CRAWLEY: I am compelled to rule that any committee that might be appointed by the president has no such authority.

JUDGE KIMBROUGH: That was my idea, that the matter should be worked out, put in concrete form, and then properly presented by the Bar Commissioners for adoption by the Association.

MR. REILY: I second it that way.

MR. ELLIS: Let them make their report and have it printed in the Journal two or three months beforehand and then we can have it before the next meeting.

MR. KIMBROUGH: That is not my motion.

MR. COOPER: When something comes up that is constructive we have to wait a year before we can consider it.

PRESIDENT CRAWLEY: We have to meet in accordance with the by-laws.

VOICE: Question.

PRESIDENT CRAWLEY: You have heard the motion and heard the second. Is there any further discussion? All in favor of the motion will say "Aye"; opposed "No". The "Ayes" have it and the resolution is adopted.

Before we take up Judge Kelly's motion we have an honored and distinguished member of this Bar who wishes to read to us a poem, a creature of his brain. It is short and I am sure it will be delightful. Mr. Ellis.

MR. ELLIS: I will hand it to the secretary but I will read it. (reading)

MERIDIAN

Meridian, queen city of the East,
Beyond the hills, a bright and shining star,
Apollo's shrine with Tom and Gabe for Priest,
Philistines be upon thee, near and far!

The Clans have gathered here in one great host,
By some cussed out, by others praised or scored,
From east to west, from north to southern coast,
These legal lords, this migratory horde.

They've boxed the compass, swept the harvest field
Of politics and business, law and all,
Tried ev'rything the restaurants can yield
And then some more at ev'ry beck and call.

We rest awhile from due bills, work and cares,
This hungry horde, the Mississippi Bar,
In this Theatre, Temple, on the square,
And fine hotel-headquarters at Lamar.
God bless the honest lawyer, weak or strong,
And give him strength to play a noble part,
Defend the right always against the wrong
With head and hands, with honest, contrite heart.

Meridian between the rolling hills,
Resplendent in thy mighty marts of trade,
Thy destiny's secure as time fulfills
Unfolding glories that can never fade.

Apollo's shrine, what message sayest thou?
What shall we read in thy bright, glitt'ring stars?
Green grow the laurel on thy hallowed brow,
Meridian and Mississippi Bars! (Applause).

PRESIDENT CRAWLEY: Mr. Ellis, we desire to express our sincere appreciation for the noble compliment that you paid the profession, and I am quite sure that the city of Meridian and those delightful people within its midst who have so generously and unstintingly entertained us will appreciate that poem.

MR. CUNNINGHAM: I move that it be spread upon the minutes.

PRESIDENT CRAWLEY: The reporter has it; it will be in the minutes.

Mr. Kelly, what is your motion?

MR. KELLY: I move that we conclude the business of the convention before we adjourn for luncheon.

VOICE: Second the motion.

PRESIDENT CRAWLEY: It has been moved and seconded that the business of the convention be concluded, that is, that we go into the election of officers and the selection of the next place for the annual convention.

MR. LYLE V. COREY: It seems to me that the election of officers at this time is out of place, for this reason: quite a number of the lawyers who are attending this convention are not present right now. If the vote were taken this afternoon they would be in attendance. Last night, as you know, they were out quite late. We had an entertainment, and some of them could not get up very early this morning, and perhaps a number of those lawyers who expect to be here to participate in the election are not here.

JUDGE EVERETT: They are in the corridor.

MR. COREY: I make a motion to table the motion to go into the election at this time.

PRESIDENT CRAWLEY: Do I hear a second?

VOICE: Second the motion.

PRESIDENT CRAWLEY: You have heard the motion and second, to table the motion to go into the election of officers at this time.

All in favor of the motion to table will say "Aye"; opposed "No". The chair is in doubt, we will have to take a rising vote. All in favor of the motion to table please stand and stand until you are counted.

(The secretary counted 53 to table).

All against the motion to table will please stand and remain standing until you are counted.

(The secretary counted 68 against the motion to table).

The question is now shall we go into the election of officers?

All in favor of Judge Kelly's motion will say "Aye"; all opposed "No"; the "Ayes" have it, and we will proceed to the election of officers.

MR. THOMPSON McCLELLAN: I move that nominating speeches be limited to three minutes.

VOICE: Second the motion.

PRESIDENT CRAWLEY: You have heard the motion and the second. Is there any discussion?

All in favor of the motion will say "Aye"; opposed "No". The "Ayes" have it and nominating speeches will be limited to three minutes.

Gentlemen, nominations are in order, proceed.

MR. EARL WINGO: Mr. President, I wish to make a suggestion. I notice a number of lawyers on the outside and I am sure there are a number down in the lobby. Let's therefore defer the election of officers for three minutes and let those lawyers be notified that we are now beginning to receive nominations. I make that a motion.

PRESIDENT CRAWLEY: Is there a second to Mr. Wingo's motion?

MR. A. T. STOVALL: Second the motion.

PRESIDENT CRAWLEY: It has been moved and seconded that we defer nominations for three minutes while those in the lobby or in the rotunda or those standing on the outside may be notified that business is being transacted within this hall.

All in favor of that motion let it be known by saying "Aye"; opposed "No". The "No's" have it and the motion is lost.

We will now proceed.

MR. M. V. B. MILLER: Mr. President, ladies and gentlemen of the Mississippi State Bar, as president of the Lauderdale county bar, as a member of the Lauderdale county bar, since I have been practicing law, it is my pleasure and a great privilege, a privilege of mine, to present to this bar the name of a man that the people of the state of Mississippi love, the name of a man who has the confidence, the respect and love of the members of this bar, one of the great, outstanding advocates of our bar, a man who is generous, a man who is just, a man who is right, full of sympathy for the masses of the people, a man who is courageous, a man who will adorn the presidency of this bar, a man whose work in the past for this bar makes him well deserving of the great honor that it carries with it. Ladies and gentlemen of the Bar, may I present to you for your consideration a boy who was born in old Wilkinson, reared

around Natchez, the sacred shrine of Mississippi, where Sargent S. Prentiss lies buried. I have known him, and often felt that even though Sargent S. Prentiss has passed away his spirit lingers and his magnificent eloquence is not dead, but another son of that section possesses his courage together with his brilliant qualities.

May I present to you Honorable Marion W. Reily. (Applause). You know, my friends, it is often charged that the reason the bar associations of the several states are slowly dying is because they are controlled by certain classes; that democracy has passed away. You cannot call the name of Marion Reily without feeling in your heart of hearts that there is a man, if he is elected to this office, will re-democratize the Mississippi Bar, and make it live and let it go forward under his great leadership.

My friends, may I present to you his name for your consideration. (Applause).

MR. G. W. HOSEY: I move that the nominations be closed.

VOICE: Second the motion.

PRESIDENT CRAWLEY: It has been moved and seconded that the nominations be closed. All in favor of the motion will say "Aye"; opposed "No". The "Ayes" have it and the nominations are closed. (Applause).

MR. BRANDON: Mr. President, members of the State Bar, as I believe that I am the only member of the Bar present from Adams county, where Marion Reily was reared in his youth to strong manhood, where, in part, at least, he attained the high ideals that he has carried through his life, I ask permission to move that the secretary of the State Bar Association cast one vote for all making the election of Marion Reily to the presidency of this bar unanimous.

MR. R. M. BOURDEAUX: Second the motion.

PRESIDENT CRAWLEY: It has been moved and seconded that the secretary of the State Bar for and on behalf of the State Bar here assembled cast one vote for Hon. Marion W. Reily as the act of the Bar Association of the State of Mississippi for president for the ensuing year. Do I hear any discussion?

VOICE: Question.

PRESIDENT CRAWLEY: All in favor of the motion will say "Aye"; opposed "No". The "Ayes" have it, the election is unanimous and the secretary is so instructed.

VOICE: I move that Mr. Reily be officially notified of his election. He is out in the hall.

PRESIDENT CRAWLEY: I am going to appoint Judge Everett to notify him of his election.

JUDGE EVERETT: It is a great pleasure to perform the duty of escorting the gentleman whom I now present. (Applause).

PRESIDENT CRAWLEY: I am not going to trespass upon your time. If I were to say what is in my heart and you were patient enough to listen, it would keep you here some time.

I take great pleasure in presenting to you a man who needs no presentation or needs no introduction, Honorable Marion W. Reily of the Lauderdale County Bar. (Applause).

MR. REILY: Mr. President, ladies and gentlemen, I have said to juries when approaching the discussion of some important feature that I stood before them with fear and with trembling. I realize now that I did not understand the meaning of that term. There are so many men within the sounds of my voice who are so much better equipped by virtue of natural ability and by virtue of training and learning to fill the position to which you have elected me, than am I. I am only too conscious of it, and my only reason for being willing to undertake the service is that I believe that you who are within the sound of my voice and who know my heart, know that I will seek and beg of you your cooperation, your counsel, your advice and your wisdom in the discharge of the duties which shall be mine.

My friends, we are members of one of the greatest, if not the greatest, profession in the world. In God's Name, let us today resolve to put out of our hearts fear of criticism and put from us any inclination to serve ourselves or any special bunch of clients; but let us resolve today to lift the profession to the high place to which it belongs, and to devote every minute of our time, in session and out of session, to the doing of those things which will cause the public to have the faith in the legal profession which it deserves.

We need not struggle with the truth or try to hide it. There are practices indulged in by some lawyers that are wrong—some represent the rich and some represent the poor, some that represent the plaintiff and some the defendant. If there is any man who is not willing to come out in the sunshine against every man who is guilty of a shady trick as a lawyer, to the end that we may be looked upon as honorable men who are endeavoring to lead our people rather than be looked upon as those whose conscience can be purchased to accomplish any end—that is my dream, that is my hope, that is my purpose.

I undertake this task firmly convinced that you will help me do it. The differences that we had in this association in the past have been honest differences, and those who have differed from me, I believe, were actuated by motives as high as my own.

I ask you all now before I undertake my duties, if there has been any unpleasantness in this association in any affair in which I have taken a part, I beg of you today to put all memory of it from

your heart, and put your hand in mine, my friends, and walk with me in an honest effort to accomplish something for the profession—that is what I am interested in. I did not practice law because my father forced me to do so; it came as the consummation of a dream that was born when I was a child. I dreamed of being a lawyer. It is all that I ask for my effort. Now help me render some contribution to my profession. When my term shall have expired, if we shall have accomplished something for the betterment of the legal profession, that is my hope.

I thank you from the bottom of my heart for having elected me. I am not worthy of the honor that you have conferred upon me. As I stand here, I can think of a thousand things that I would to God that I could blot out from my past, I am not ashamed to tell you. There shall be with me every moment that I serve but one desire, and that desire will be to so walk and serve as to give you no cause to regret having elected me to this position. I thank you very much. (Applause).

PRESIDENT: Ladies and gentlemen, the next order on the program will be the election of a first-vice-president.

MR. ROBERT POWELL: I rise to nominate G. Garland Lyell for first vice-president.

VOICE: I second the motion and move that the nominations be closed.

PRESIDENT CRAWLEY: Judge Lyell has been nominated and it has been moved and seconded that the nominations be closed. Any discussion? All in favor will say "Aye"; opposed "No", and you have elected Hon. G. Garland Lyell as your first vice-president. (Applause).

I want to see you up front. (to Judge Lyell)

It gives the retiring president great pleasure to present to you another man whose active interest in his profession and the service that he has rendered it makes it unnecessary to require either a presentation or introduction. Hon. G. Garland Lyell, first vice-president for the ensuing year.

JUDGE LYELL: Mr. President, President-elect Marion Reily, and members of the association, I am indeed grateful to you for your having elected me to the vice-presidency. It is the first time I have ever held an office of any sort in this association, though its interests have always been close to my heart.

As I came up that irregular aisle, just a few minutes ago, one of the brothers said, "Cut it short." If that's the way you feel about it, I will simply say that you are going to have a fine class of administration, with Marion Reily to furnish the virtue and Garland Lyell to furnish the vice. I hope that is short enough, but

like the Irishman's suspenders, long enough for any man and short enough for any boy. (Applause).

PRESIDENT CRAWLEY: Next in order of business ladies and gentlemen, is the election of your second vice-president. Nominations are in order.

MR. WINGO: I nominate Mr. R. M. (Bob) Kelly of Vicksburg.

JUDGE EVERETT: We have been running along here closing everything. I am not in favor of everything being closed. I think that instead of electing my friend Bob Kelly down here as second vice-president of this association—and when I say my friend, I say it advisedly—he is my friend—but we have now two excellent men, one for president and another for your first-vice-president. Now my suggestion to this association is that you have heard this morning the things—the only thing that has been constructive, since we have been here, up to that time, that was done by these boys. My suggestion is that we put one of these young men as second vice-president of this bar at this time.

JUDGE KELLY: Thank you, thank you. Second the motion.

I nominate Mr. Jesse Graham.

PRESIDENT CRAWLEY: In order that I may keep the record straight, and in order that I may keep myself straight, I desire to know if the gentleman who placed Mr. Kelly's name in nomination has withdrawn that gentleman's name from nomination.

MR. WINGO: After the nomination of Mr. Graham, I am happy to withdraw the nomination of Judge Kelly.

SECOND: (Withdrew the second).

PRESIDENT CRAWLEY: Is there a second to the nomination of Mr. Jesse Graham for vice-president?

VOICE: Second the nomination. He is already the chairman of the Junior Bar Section.

MR. M. V. B. MILLER: Mr. Graham is a boy that I love, like my own boy. From our bar we have already been honored with the presidency, in Mr. Reily, and Mr. Graham has been honored with the chairmanship of the Junior Bar Section, and I think it is nothing but fair and proper that we recognize at this time the leadership of this boy from New Albany, who appears to be worthy and one of the brightest young members of our bar, Mr. Clayton, the retiring first president of the Junior Bar Section, and it is my privilege to place in nomination as second vice-president the first president of the Junior Bar Section, Mr. Hugh N. Clayton of New Albany. (Applause).

MR. H. E. ROSS, JR.: The accomplishments of the Junior Bar Section, and especially the demonstration made at the meeting

Wednesday last were due almost entirely to the efforts of the retiring chairman. He appointed the committees and the program was formulated, and whatever was accomplished, as I see it, was due to the untiring efforts of Mr. Clayton, and it is an honor for me to second the nomination of Mr. Hugh N. Clayton for second vice-president.

MR. S. M. GRAHAM: I would like to ask the gentleman to withdraw the name of Mr. Jesse Graham for second vice-president, and to move that the nominations be closed.

(The nomination of Mr. Graham was withdrawn).

PRESIDENT CRAWLEY: The nomination of Mr. Graham is withdrawn and Mr. Hugh N. Clayton has been nominated and his nomination seconded as a candidate for second vice-president for the ensuing year, and there has been a motion that the nominations be closed. All in favor of the motion will let it be known by saying "Aye"; all opposed "No". The "Ayes" have it and the nominations are closed. Hon. Hugh N. Clayton has been duly elected, commissioned, authorized and otherwise empowered to act as your second vice-president. Come around Hugh. (Applause).

Ladies and gentlemen of the Mississippi State Bar, it gives me great pleasure to present to you at this time as your second vice-president for the ensuing year one of the outstanding members of the legal profession, although his hair has not yet been tinged by the frosts of passing winters—Hon. Hugh N. Clayton. (Applause).

MR. CLAYTON: Mr. Crawley, Mr. Reily, I thank you very much indeed. Shakespeare has said that brevity is the soul of wit. I will be very brief, and I thank you. (Applause).

PRESIDENT CRAWLEY: Now, gentlemen of the Bar, you have next in order the election of commissioners. You will separate into districts and make your selections.

MR. G. W. HOSEY: Mr. President, I wish to suggest to the Bar that no commissioner be elected who is opposed to the re-election of Miss Alice as our secretary. (Applause).

(The members of districts separated into groups to elect commissioners).

PRESIDENT CRAWLEY: Gentlemen, please be seated; we won't be but a very short while now.

MR. ROBERT POWELL: In order to keep the record straight, I move that the secretary be directed to cast one ballot on the vote of the house as a whole for second vice-president.

VOICE: Second the motion.

PRESIDENT CRAWLEY: You have heard the motion that the secretary cast one vote for second vice-president. As many as

favor the motion will say "Aye"; opposed "No". The motion is carried, and the secretary will so state on the minutes and the record will so show.

The next matter is one that is of some moment, that is, the selection of our next annual meeting-place. I have some telegrams here. Shall I read them?

VOICE: Yes, read them.

PRESIDENT CRAWLEY: The telegrams are from Vicksburg and Jackson.

"Vicksburg, Miss.

"On behalf of the Business and Professional interests of this city represented in our organization we extend urgent invitation to the members of the Mississippi State Bar Association to hold their nineteen thirty eight convention in the City of Vicksburg (stop) If our city is honored with the acceptance of this invitation we assure you that everything possible will be done to make your meeting both a profitable and enjoyable one.

"Vicksburg Chamber of Commerce
By R. C. Wilkerson,
Chairman, Convention Committee."

"Vicksburg, Miss.

"We want you to come to Vicksburg next year and we join with all our brethren in extending you a cordial invitation.

"Board of Supervisors of Warren County."

"Vicksburg, Miss.

"Remember that here at Vicksburg the Great Mississippi flows (stop) Everything else will be overflowing for you including our hospitality (stop) We are counting on your meeting here next year.

"City Club of Vicksburg
Louise Leyens, President."

"Vicksburg, Miss.

"Come to Vicksburg next year (stop) We promise to prove that we really want you.

"Y's Men Club of Vicksburg
Ed Buelow, President."

"Vicksburg, Miss.

"Vicksburg wants you to be with us next year and you may be assured of a great reception (stop) We are expecting you.

"Rotary Club of Vicksburg
By W. N. Miner, President."

"Vicksburg, Miss.

"Vicksburg extends to you a cordial invitation to be with us next year (stop) The city will be yours.

"Mayor and Aldermen of the City of Vicksburg."

"Vicksburg, Miss.

"We urge you to convene at Vicksburg next year (stop) We will welcome you with open arms.

"Kiwanis Club of Vicksburg
By A. C. Vickery, President."

"Jackson, Miss.

"City officials join the Hinds County Bar in urging you to be Jackson's guests next year (stop) Congratulations to you upon terminating a successful administration and best wishes for the Mississippi Bar.

"W. A. Scott, Mayor."

"Jackson, Miss.

"Nine Hundred Jackson Business and Professional men cordially invite the Mississippi Bar to meet here in 1938 (stop) With completion of paved highways before your next meeting combined with Jackson's advantageous geographical location attendance here in 1938 should set an all time record (stop) Best wishes for a successful meeting at Meridian.

"R. L. Ezelle, President, Chamber of Commerce."

"Jackson, Miss.

"Our respective organizations heartedly endorse the invitation being extended by Jackson for your next state convention (stop) Jackson hotel facilities meeting places and her advantage in being centrally located are unexcelled by any other city in the state (stop) We shall be glad to work with committees on local arrangements should you accept this invitation.

I. Lehman, President Rotary Club
"D. T. Brock, President Exchange Club
"R. L. Stainton, President Lions Club
"Buford Yerger, President Jackson Business Club
"C. C. Smith, President Kiwanis Club."

MR. J. H. CULKIN: Members of the Mississippi State Bar, no person of average intelligence would try to make a speech against the dinner bell or a brass band, and the dinner bell is now ringing.

We desire to invite you to hold your 1938 annual meeting in the city of Vicksburg. I have previously observed back of me on the wall and at other places "Consider Jackson". The lawyers

engaged in active practice generally visit Jackson once a month, sometimes as often as once a week. I think you should decide to come to Vicksburg, where the satisfactorium is still in operation, where the girls dress cool and look hot and anticipate you next year.

You have heard the telegrams read, and I want to extend to each of you, individually and collectively, an invitation to come to Vicksburg next year.

I want to make just this additional observation: the last time the bar met in Vicksburg, you had the largest attendance that this bar has ever had at an annual meeting; there were 687 at Vicksburg.

This is simply a mother hubbard talk—that covers everything and touches very little of anything. I want to say to you again, COME TO VICKSBURG. (Applause).

MR. ROSS: I second the motion and move that the nominations be closed.

MR. STENNIS: I move to table the motion.

MR. ROSS: I withdraw my motion.

PRESIDENT CRAWLEY: Do we hear an invitation from any other city?

MR. F. J. LOTTERHOS: Ladies and gentlemen, when I heard a few moments ago that the city of Vicksburg was going to invite the bar to meet there next year, I weakened a little bit about getting up here and extending our invitation, because I remember so well the very happy occasion we had over there a few years ago, but regardless of that fact, and with all respects to the fair city of Vicksburg, where we had such a good time, we want you to know that the city of Jackson wants you to come over there in 1938. We have the facilities to offer, we can take care of that crowd of 6 or 800 which is going to come. We promise you that we will endeavor to work up an entertaining program that will even surpass that offered by Meridian, if that is humanly possible, and hope that regardless of the fact that you do have occasion to come to Jackson frequently for business purposes, you will come to Jackson and enjoy some of the entertaining features which Jackson can, in fact, offer, and put on a business program of the Bar which will be long remembered.

We do want you, the lawyers of Hinds county invite you, the business interests of Jackson invite you and we hope you will come. (Applause).

MR. J. D. STENNIS, JR.: Gentlemen of the Bar, we have no telegrams from a certain section of the state today. Telegrams have been sent to this bar association each year from that section

for about ten years. The bar association last met in that section some ten years ago. It is a section that you all know, it is a section to which you all go at some time during the year when you want to play and have a good time. This section is known throughout the country, not only by Mississippians, but one of the most beautiful spots in the world. It is a section that can furnish everything in scenic beauty and enjoyment that can be furnished in any place in Mississippi or the United States. It is the only place in the world where the trees grow down to the salt water margin. That section includes a little city by the name of Biloxi. That city has extended an invitation to you each year about ten years, an invitation to come and enjoy those beauties and pleasures with her.

I come here from that city on the part of Harrison county bar, on the part of the officials of the city of Biloxi, and of the local bar, and extend to you an invitation to be with us next year. We will do everything within our power to entertain you and to entertain you at less cost and less inconvenience than you will find in any other place in the state of Mississippi. We cordially extend you an invitation and trust that you will meet with us next year. (Applause).

MR. JONES: Second the motion.

PRESIDENT CRAWLEY: Are there any other cities that have an invitation to be extended?

VOICE: I move that the nominations be closed.

PRESIDENT CRAWLEY: Owing to the fact that there are three cities which have been courteous enough to extend an invitation to us, it is the opinion of the presiding officer to make this decision by ballot.

VOICES: No, no, no—standing vote.

MR. MONROE BAILEY: I move, Mr. President, that we take it by rising vote.

VOICE: Second the motion.

PRESIDENT CRAWLEY: I am your servant, gentlemen.

The last named will be the first to be voted on.

All in favor of going to Biloxi next year for our annual convention let it be known by standing and remain standing until you are counted.

(The secretary counted 48).

All in favor of going to Jackson stand and be counted.

(The secretary counted 15).

All in favor of going to Vicksburg will stand.

(The secretary counted 53).

MR. MILLER: I move that it be made unanimous for Vicksburg by rising vote.

VOICE: Second the motion.

VOICE: Second primary, Mr. President.

PRESIDENT CRAWLEY: Let's go at this in an orderly manner, gentlemen.

All in favor of going to Vicksburg will stand.

(The secretary counted 73).

All in favor of Biloxi will stand.

(The secretary counted 57).

Vicksburg is designated as the place of your next meeting. (Applause).

(The privileges of the floor were extended to Mr. Mobley, Manager of the Lamar Hotel).

MR. MOBLEY: Gentlemen, permit me to thank you for meeting with us this year. We hope you have enjoyed your stay. We have been honored with your presence, and if you come back to Meridian, come to our hotel, we will give you a key, and it will cost you nothing. (Applause).

PRESIDENT CRAWLEY: I want to announce the election of commissioners, and then we are through.

District No. 1 ..... Ben H. McFarland
District No. 2 ..... W. L. Guice
District No. 3 ..... R. C. Stovall
District No. 4 ..... Elbert Johnson
District No. 5 ..... W. A. Strong, Jr.
District No. 6 ..... E. G. Truly
District No. 7 They are working in there yet; we have not heard from them.
District No. 8 ..... O. H. Barnett, Jr.
District No. 9 ..... John Brunini
District No. 10 ..... M. V. B. Miller
District No. 11 ..... John T. Smith
District No. 12 ..... C. W. Sullivan
District No. 13 ..... J. P. Edwards
District No. 14 ..... T. Brady, Jr.
District No. 15 ..... E. B. Williams
District No. 16 ..... J. E. Caradine
District No. 17 ..... J. H. Caldwell, Sr.

PRESIDENT CRAWLEY: (continuing) That winds us up except for the seventh district. We will have to have that report later.

What is the program for this afternoon?

MR. JACOBSON: Nothing this afternoon, the banquet is tonight. Again, we want to urge you to stay for the banquet.

PRESIDENT CRAWLEY: We will adjourn until the banquet.

I certify and approve the foregoing as the proceedings and minutes of the annual meeting of the Mississippi State Bar.

DAVID E. CRAWLEY, President.
ALICE NEVELS, Secretary.

Proceedings

of

Junior Bar Section

of

Mississippi State Bar

Held At

Meridian, Mississippi

June 16th, 1937

Junior Bar Section

JOURNAL of the MISSISSIPPI STATE BAR

VOL. I SEPTEMBER, 1937 No. 1

STATEMENT OF THE CHAIRMAN OF THE JUNIOR BAR SECTION

To the Members of the Mississippi State Bar:

The Junior Bar Section of the Mississippi State Bar held its first annual business meeting since the creation of this division of the State Bar, at Meridian, Miss. in June; which meeting proved to be successful. Some very constructive and helpful plans were outlined for the coming year.

There were three major objectives offered, which were unanimously approved and adopted by the General Assembly of the State Bar.

The first dealt with the encroachment on the Legal Profession, which topic is sub-divided into two parts. The first of these deals with corporate fiduciaries and the second with the unauthorized practice of law by court clerks, justices of the peace, etc.

The second dealt with the proposition to get enacted by the Legislature a law, providing some form of County Court, where monthly terms of court may be had, for the poorer, or less populous counties.

It shall be the purpose of the officers for the coming year to put into effect the program as adopted, which will require the whole hearted interest and cooperation of all members of the Junior Bar Section, as well as the assistance and advice of the older members of the State Bar.

The Junior Bar Section is filling a real need among the younger members of the profession, and has made wonderful progress toward the advancement, of the interest of the younger members of the bar, and of the profession in general. It shall be the further aim and ambition of the officers and executive committee to endeavor to create more interest in the annual meetings of the Bar Association, and build up a more friendly relation among fellow members of our profession.

At the next meeting of the Executive Committee it is expected that some new objectives will be agreed upon to be presented at the next annual meeting of the Junior Bar for discussion and approval. The Executive Committee earnestly invites any sugges-

tions and constructive proposals from any member of the Bar for the advancement of the interest of lawyers and of the public generally.

I wish to say that the honor conferred upon me at the meeting of the Junior Bar Section is deeply appreciated, and I will assure you that with your advice, and assistance, I shall endeavor to carry forward the work of this organization, in a manner that will be of genuine benefit to all members of our profession.

JESSE H. GRAHAM, Chairman,

Junior Bar Section of the Mississippi State Bar.

PROCEEDINGS OF THE FIRST ANNUAL MEETING OF THE

Junior Bar Section

Held in the City of Meridian, Mississippi on the 16th of June, 1937

MR. HUGH N. CLAYTON: (Chairman) The first annual meeting of the Junior Bar Section of the Mississippi State Bar will please come to order.

I am very glad to see such a good number out in spite of the bad weather, and I am sure our deliberations will be orderly, and we will "go somewhere" with the association.

This meeting this evening is in the nature of a formal meeting for open discussion on three topics which were selected by your Executive Committee. The Executive Committee met in Jackson on April 20th, and selected three topics which are being brought to us this evening. It was thought that the discussion of each subject separately might be more progressive, and reach such a point that the discussion might be open and led by a committee of three committeemen on each of the subjects selected, and then be discussed openly on the floor.

On authorization of the Executive Committee, these committeemen of three for each subject were appointed, and these committees deal with the three topics they have before us this evening.

The first topic, as you know from your program is "Encroachment on the Practice of Law by Corporate Fiduciaries"; second, "Unauthorized Practice of Law"; and, third, "Establishment of County Courts."

In order to expedite matters, and in order that we might keep faith with the local committee in charge of the social affairs—and I understand Jesse Graham is in charge, and we are going to have a dance at the Northwood Country Club at 10:45 or 11 o'clock—in order to save time, it was suggested that we devote not more than thirty minutes to the three topics, giving not exceeding fifteen minutes to the committee leader and then fifteen minutes for discussion.

As you see from the program that has been outlined, we are seeking to get something that will be of benefit to the lawyers from very timely subjects. As a whole, anything we can do to help ourselves will be of benefit to us all. We realize, of course, that the main meetings of the Mississippi State Bar are not given over to the young men to the degree that we would be concerned; therefore,

this organization was started, and we will be glad at this time to turn over the discussion of our first topic to the member who was selected by the Executive Committee as chairman of the first topic, Mr. John C. Satterfield. We will be pleased to hear now from Mr. John C. Satterfield on the subject of "Encroachment on the Practice of Law by Corporate Fiduciaries." (Applause).

MR. JOHN C. SATTERFIELD: I will read the suggested resolution in order to put the subject under discussion before you; and after that, I will take a minute or two to discuss it, and then any one who wishes to discuss it on the floor might do so. I believe that is the program. I don't believe any other member of the committee is present. We are going to need some discussion from the floor, and we would welcome it on this important subject. (reading)

RESOLUTION UPON ENCROACHMENT UPON THE PRACTICE OF LAW BY CORPORATE FIDUCIARIES

"Be it resolved by the Junior Bar Section of the Mississippi State Bar that it is the sense of this Section that the activities of corporate fiduciaries should be limited as follows, to wit:

"First, That it is improper for corporate fiduciaries to draft or have drafted by its attorneys or attorney or others selected and paid by it therefor, any will or proposed form, outline or suggestion thereof.

"Second, That it is improper for corporate fiduciaries to draft or have drafted by its attorneys or attorney or others selected and paid by it therefor, any trust agreement or proposed form, outline or suggestion thereof in which the fiduciary either has no personal interest or under which said fiduciary acts or is to act in a fiduciary capacity.

"Third, That it is improper for corporate fiduciaries to draft or have drafted and/or presented in court by its lay employees; officers, agents, personal attorneys or by attorneys other than those employed at the expense of the estate or trust involved, petitions, orders, or other legal documents (except fiduciary bonds and fiduciary accounts with prayer solely for allowance thereof) relating to or affecting estates or trusts as to which said corporation is or is to become a fiduciary, whether such documents are regarded as administrative, formal or otherwise.

"Be it further resolved that the Chairman of this Section be and he is hereby authorized to appoint a committee to prepare and present to the Legislature of the State of Mississippi any legislation which may be necessary to put these principles into effect.

"Be it further resolved that this resolution be presented to the Mississippi State Bar for its action upon the same."

Gentlemen, you will note that there are three phases of that resolution. The practice of law has been held on a professional basis throughout the years. It is a basis of trust and confidence between attorney and client. It is a high calling or profession depreciating any flagrant advantage by the solicitation of business, to bring it in by solicitation or advertisement, or claiming any legal purposes; it has not come to a basis where low prices are the aim of this wise practice or a salary basis, to where there are brought the various phases of business. In order for there to be the relation of attorney and client, the attorney must represent the client and not an intermediary.

There has grown up by the fiduciary corporations in various states the practice of solicitation by advertisement and otherwise, of having lawyers to manage estates, trusts and similar matters. This has become so prevalent and has encroached so on the practice of law that the bar of many states has taken cognizance of it. There are ten states in which suits have been brought to the supreme court of that state to appeal in the courts.

The first suggestion is with reference to the drafting by the attorney of the fiduciary corporation or those selected by it or paid by it, wills or proposed form, outline or suggestion thereof. The reason that is improper, is, first that corporate fiduciaries bring into their door those persons and put them in touch with the attorney by advertisement and solicitation. You have probably seen such advertisements in the Jackson Daily News, and other newspapers. I have, repeatedly; and it is improper to go out through advertisement and personal solicitation and bring the people in to draw their wills or trust agreements, and then they are referred to their attorney, or to some one chosen by them. That, in the first place allows the commercialization of drafting of wills and similar agreements. It allows solicitation of those having wills and trust agreements drawn; it also tends to favor a certain set of lawyers, lowers fees—that if this fiduciary will refer to them the people they bring in by advertisement, they will charge a smaller fee, and, therefore, they will get the business by the fiduciary having them appointed by the executor in the will.

Second, has to do with trust agreements and living agreements, the same applies, and this additional objection, which also will apply to those wills which have in them trusts to be carried out. That is, when this corporate fiduciary is appointed, either as a trustee to a living trust, or as the executor or trustee under a will. There are certain relations between the trustee and the beneficiary. There should be independent legal advantage first to the trust and discretion which shall be vested in the trustee; second, the business which shall be given to the attorney is referred by the fiduciary, and, third, the compensation of the trustee, when it should be included, increases the percentage on which it should be based.

And, therefore, it is not only improper from my viewpoint as an encroachment on the practice of law, but it is improper on the

public itself. In most of these instances the attorney is paid by this corporate fiduciary, or he is selected from a list of persons, and of necessity, knows that the continuance of his selection in similar cases depends upon the satisfaction he gives whom? Not the satisfaction he gives to the client and beneficiary of the decedent, but the satisfaction he gives to the corporate fiduciary. Therefore, his independent is governed not by the requirement and rights of that party, but by the wishes and desires of the corporate fiduciary; and the attorney has to do with the carrying on of legal business by the corporate fiduciary, hence by its attorneys paid by it, or those who represent it, unless they are paid from the estate, other than those employed at the expense of the estate or trust. In other words, our probate matters and estate matters contemplate a fiduciary, whether it be corporate or individual, they who shall have the interest at heart, not only of the fiduciary itself, but of the beneficiary of the parties who are interested in the trust.

Therefore, it seems it is improper from the viewpoint of the public that there should be allowed the carrying on of the legal work by attorneys whose interest is the fiduciary and not the beneficiary; and in cases where it is carried on by those other than licensed attorneys, it is, of course, a practice of law.

Similar action has been taken by a number of the Bar Associations, and as I said, cases have been brought by committees for associations in ten states which have gone to the supreme court of the state.

In order for such principles to be put in effect it is possible that the statutes of this state should be clarified, and there should be a clear demarcation between the fiduciary and the attorney.

And, therefore, Mr. President, if I may do so, after making a speech, I should have done so first, I move the adoption of this Resolution. (Applause).

MR. ALLEN THOMPSON: I rise to endorse what Mr. Satterfield has said and to second the motion.

I have been sitting around some Bolsheviks. In New Orleans at the Junior Bar Meeting they said that I was a Bolshevik. I said they are one. We are going to talk about this thing. Frankly, I started out by myself and am still by myself except for my wife and three children, but this is a thing that affects me, affects Robert Hoberg, affects the justices of the peace, affects everybody. We are just starting out, we are young and we have got to make a living, and I don't believe anybody except the one who has more money than he knows what to do with will disagree with this resolution, and I think something should be done about it, and, frankly, I think we should talk about what should be done about it. (Applause).

MR. JIMMY EATON: Do I understand Mr. Satterfield by this resolution that a trust department of a bank is not, if this resolu-

tion shall be enacted into law, would not be able to have its own attorney to pass on these questions?

MR. SATTERFIELD: No, the resolution provides that in the matter of drafting of these various papers, etc., they should not be done so unless it is a matter that personally affects a fiduciary. In other words, those matters requiring advice, as I see it, it would be entirely proper for the attorney to act; and also contemplates that where an individual has his attorney to draw up a will or trust agreement, that he can cooperate with the legal department of the fiduciary; that might be satisfactory to the beneficiary and to the fiduciary.

MR. EATON: I would like to say that I think the resolution goes quite a bit too far. In many cases the trust department of any institution, bank, or just a trust department of banks, or insurance company; they, most of the time, are in business only for the fees they get in trusteeships, and the way this resolution is worded at present, it seems to me benefits a few at the expense of many. Now it seems to me to place too much censure on attorneys for trust departments. I, myself, do not represent any, and never have, but I do think that a trust department of a bank is certainly entitled to have its own attorney draw these instruments if the clients of the trust company wish it done that way, and to say that the mere fact that the attorney's fee comes from the trust company rather than the person giving the business to the trust company, is carrying that a bit too far.

MR. JOHN BRUNINI: I hate to stand before the critical eye of such a gathering. But I rise to say, that I, like Mr. Eaton or Mr. Coolidge, when he said: "I do not choose to run"—I'm somewhat in the same attitude, but I'd like to ask one or two questions: first, is it the sense of this resolution that it would not only be improper, but should be illegal for a bank to advertise that it has a trust department, and also solicit its usage?

MR. SATTERFIELD: No.

MR. BRUNINI: That is allowed?

MR. SATTERFIELD: Yes.

MR. BRUNINI: If an attorney represents a bank and retains a fee from that bank, and a party comes in that particular bank and seeks trust advice, or advice as to the drawing of a will, or advice as to the carrying on of a plantation, or business which I think the bank would be more than likely to advise him on, if such a party came to a bank and then asks what attorney would you think would be best to draft such an instrument, would it be proper in that case to refer that particular party to the attorneys who are on a retainer fee by the bank?

MR. SATTERFIELD: The sense of the resolution, as I understand, would be that if the fee is paid by the party who wishes a

trust agreement or will, and if the reference by the bank or fiduciary, corporate fiduciary, is simply a recommendation of attorney, then that would be proper, but if they use a selected list, or if they refer to any attorney or retainer, and have them to pass on it, or in any manner confer on it; or if they refer to any one attorney and say it would be cheaper to use that attorney because they represent the bank, making a wholesale or commercial business of it, it would be improper.

MR. BRUNINI: One more question: In this particular matter, suppose a bank became the executor under a will or trustee as you said under a living trust, and then the bank, after the particular instrument in question has been drawn by the attorney who in that particular case represents the bank but has been employed by the client, where the bank has been made the trustee or executor and wants advice on the matter, if the attorney is paid by the particular estate, what about that?

MR. SATTERFIELD: If the attorneys are paid by and represent the estate it would be entirely proper, but the sense of the resolution is that it would not be proper to have attorneys who are acting for the trustee in its personal capacity and for the estate in its personal capacity, but if they are attorneys for the estate, then, of course, they would have a right to advise the estate and trustee.

There is a little fine demarcation that is hard to meet. It is improper unless they are employed by and paid by the estate. If the attorneys are employed by the estate involved and it should happen that they were also retained by the bank or any corporate fiduciary, that would not bring them within the contemplation of the resolution.

MR. BRUNINI: With that explanation I think the question is a moot one.

I would like to say that I am not a Bolshevik. I am very fond of my good friend, Mr. Thompson. I am not a rich man either, Mr. Thompson, but I don't think the attorneys in Mississippi, up to the present time, have displayed any commercialization of the practice as to warrant any criticism of the practice of the attorneys in Mississippi at the present time, and if such a resolution is adopted by the Junior Bar Section, I certainly hope that it is made plain at the time of the adoption that it is not intended as a reflection upon the Bar at the present time.

MR. SATTERFIELD: If I may, I'd like to add an amendment to the resolution, in the body of the resolution, as follows:

Be it further resolved, that this resolution is not intended to reflect in any manner upon activities of any members of the Bar of Mississippi but has reference to the conduct of a corporate fiduciary at the present and in the future.

MR. GUY MITCHELL, JR.: I wish to oppose the adoption of the resolution. I don't condone any unauthorized action of any corporate fiduciary; however, I do not see any reason to discriminate, as I believe this resolution will, against those lawyers who are fortunate enough to represent any bank, or any trust department of a bank; and some of the lawyers, since they are not starving, and making a living, and some of the others have too much money, I don't believe in discriminating in that way, and I think it would be unfair to the entire legal profession.

As I understand the resolution, I wish to oppose the adoption of the resolution. I believe it is not specific enough, and not in such form as the legislature could act on it. (Applause).

THE CHAIR: Any other discussion?

MR. GEORGE ETHRIDGE: I would like to make a request that the resolution be re-read before we vote.

THE CHAIR: Is it the wish of the body that the resolution be re-read?

VOICE: Read it! Let's hear it again.

THE CHAIR: As the Chair understands, you wish it read again before a vote will be taken, and I'll ask Mr. Satterfield to read it for us.

MR. SATTERFIELD: May I discuss it just a minute?

THE CHAIR: All right; before you read it?

MR. SATTERFIELD: Yes. As Chairman of the Committee I would like to make a short statement.

It is not the purpose of this resolution, in any sense of the word to discriminate against those who are fortunate enough to represent banks. We happen to be attorneys for two Banking Associations, the sense of the resolution, and I think covered by the resolution, is that those attorneys representing trust companies, corporate fiduciaries, should be allowed to do so, where they have a right to represent them and receive fees for the work through those corporate fiduciaries. But this is aimed against the practice of having the advertisement in the paper for the bank, relative to the drawing of wills, trust agreements, solicitation for the employment of attorneys through the advertisement and solicitation, for drawing wills and trust agreements by fiduciaries, and then have the attorney act for the bank and as trustee in the will or living trust, and thereby acting in a dual capacity, for the fiduciary and the client, whose interest may be conflicting; conflicting interests may arise, therefore, that is the reason we have suggested this for your consideration.

THE CHAIR: Read the resolution.

(Whereupon Mr. Satterfield re-read the resolution).

THE CHAIR: Do you wish any further discussion?

MR. SATTERFIELD: I don't care to discuss it further. I'd like to hear from some of the other members though.

MR. ROSS: As I understand the amendment to the original resolution did not receive a second, now did it get an original second—

MR. THOMPSON: I seconded it.

MR. ROSS: (continuing) I don't think this group here, or Mr. Satterfield, or any lawyer I have ever come in contact with, has any desire to cast any reflection on anybody. I don't accuse any lawyer in the State of Mississippi of doing anything that is denounced by that resolution, but we all know that these advertisements are carried; that business goes into these banks and trust departments of banks, and they regularly retain attorneys to represent them, and those attorneys represent the trustee. And those attorneys represent the trust company and not the client whom they really represent, and sometimes there is a conflict of interest, and these attorneys, in this dual capacity, are not free to represent the client.

I have nothing personal about this proposition, I don't suppose it will mean $50 a year, I just don't happen to do much of that sort of practice. I want to vote for the original resolution.

MR. THOMPSON: I'll second the amendment too.

THE CHAIR: Ready to vote?

VOICES: Question! Question!

THE CHAIR: All in favor of the adoption of the resolution, please rise and stand until you are counted.

All opposed please rise and stand until you are counted.

There were thirty-one voting for the adoption of the resolution, and nine opposed. I now declare the resolution adopted.

For the sake of keeping the record, if you will rise and state your name, it will keep the record straight, as to who said what.

MR. GIBSON WITHERSPOON: Gentlemen, I would like to get your attention for a moment. There will be a dance immediately following this meeting at the Northwood Country Club. (Applause).

THE CHAIR: Thank you very much Mr. Witherspoon. I think that is one thing we are all agreed on, that we wish to go to the dance.

MR. SATTERFIELD: Some of the boys around me wish to know if a married man can get a date.

THE CHAIR: We come to the second proposition. We are keeping within the time limit, which is thirty minutes for each of

the three subjects. "The Unauthorized Practice of Law." This Committee is headed by Mr. J. K. Travis of Hattiesburg. The Committee is composed of J. K. Travis, Ralph L. Landrum and Frank E. Everett, Jr. All three of these gentlemen are present and we trust that there will be discussion of the subject by all three of them, also discussion by the body. Mr. Travis will read the resolution and lead the discussion. Mr. Travis.

MR. TRAVIS: Mr. Chairman, members of the Junior Bar Section, the gentleman, a few minutes ago, stated that he always practiced law alone except his wife and children, and gentlemen, I might say I am alone too; I might also add that I am sometimes called a delegate at large; a delegate at a convention without his wife.

In order to be as brief as possible and at the same time present this matter to the Junior Bar Section in the shortest possible manner, I shall follow the course of Mr. Satterfield. I heartily endorse everything said there.

It is very difficult to define a thing of this kind, the Unauthorized Practice of Law. Of course the two subjects are correlated, what is unauthorized by one group is unauthorized practice of law by the other group. I shall read the resolution and make a few comments, and if you have any questions to ask, these two gentlemen on the committee and I will be glad to give you the best answer we can. (reading)

RESOLUTION ON UNAUTHORIZED PRACTICE OF LAW

WHEREAS, it is being constantly asserted that the practice of law in our state is being engaged in by individuals who are not members of the Bar, in giving legal advice for compensation and in performing of various and sundry legal services, such as preparing wills, escrows, deeds, mortgages, chattel mortgages, bills of sale, contracts, offers, options, leases, schedules, petitions, etc., in bankruptcy, incorporation and partnership documents, releases, affidavits, opinions on title to real estate, court petitions, pleadings, accounts, reports, etc., and in appearing before minor courts for their clients or customers, etc.; that Justices of the Peace, Notary Publics, Real Estate Agents, Real Estate Brokers, Insurance Agents, Auctioneers, Accountants, Adjusters, Chancery and Circuit Clerks, other Court Officials, and Collection Agencies, are among those engaged in such unauthorized practice; and that lawyers themselves sometimes engage in unauthorized practice; and

WHEREAS, for the protection of the public and the profession of law, the legislature has imposed certain requirements, regulations and conditions upon those who desire to pursue the profession, and has likewise prescribed fines and penalties for breaches of such statutes; and

WHEREAS, the proper administration of justice and the protection of the interests of the public as well as of the legal profession require that the practice of law be restricted to those who are duly licensed to practice; and

WHEREAS, such unauthorized practice leads to fruitless expense, distrust of litigants and disrespect for law and the courts; and

WHEREAS, the young lawyers are especially interested in the reforms under consideration, since they are naturally entitled to the fees and experience arising from such unauthorized practice; and

WHEREAS, the practice of law by unauthorized persons is an evil, injurious to the litigant and the public, and brings the profession into disrepute, and should therefore be remedied:

THEREFORE, BE IT RESOLVED:

1. That the Junior Bar Section of Mississippi State Bar condemns the practice of law by any and all persons other than duly licensed attorneys, and recommends that appropriate action be taken to check, so far as practicable, the further practice of law by unauthorized persons.

2. That we hereby entreat the Mississippi State Bar, the Attorney General, District Attorneys, Judges, Chancellors, and other public officials, so far as they may, to join in the movement to rid our state and our profession of unauthorized practitioners of the law, against those who persist in the practice without license so to do.

3. That it is our belief that individuals or associations engaged in the unauthorized practice of law should be interviewed and requested to desist from the unlawful practice before resort to court action against them.

4. That the circuit judges in the state are requested to explain the statutes involved, on organizing and beginning courts, when county officials are present, and to urge the grand jury to investigate all unauthorized practice complaints, and to indict where the evidence warrants.

5. That a committee be set up by the State Bar, whose duty it shall be to make a list of unauthorized practices to be delivered to Notary Publics, Justices of the Peace, and other officials upon their entering upon the duties of their respective offices, to the end that such officials may be informed as to what they may legally do, by virtue of their respective offices.

6. That this matter be brought to the attention of the general public through the press and otherwise, to the end that the dangers of unauthorized practices may be understood, and that the public, through proper education, may know that duly licensed lawyers can

better serve since they are under control of the courts at all times, have a high code of ethics to which they must conform, and since the public has recourse through the Bar and the courts against them if they fail to live up to their oath of office.

7. That the local bar associations in the state be urged to cooperate in every way possible to rid our state and profession of unauthorized practitioners, and that we favor coordinated action by local, state and national associations, to the end that the state and country at large may be relieved of this ever-growing evil.

8. That a copy of this resolution be furnished the Mississippi State Bar for such action as it deems proper, and to the press.

Respectfully submitted,

J. K. Travis
Ralph L. Landrum
Frank E. Everett, Jr.
Committee

MR. TRAVIS: (continuing) I might say here that my remarks at most shall be brief because I know there are other lawyers here who will add things of importance to this discussion and there is enough to be said on this subject that could take the whole evening. Even though we have a provision in our Code of Ethics to punish the unauthorized practice of law, that provision is not always lived up to. One thing, it is injurious to the young lawyer because it deprives him of the fees that belong to him and to the ultimate end is injurious to the public welfare. If we shift from this code we are in the unauthorized practice of law as well as the layman. We must not think selfishly in dealing with unauthorized practice because to attempt to promote selfish aims would in the end lead to failure. We do not desire to be put in that category.

You will find sometimes the real estate broker and others who are doing a general conveyance business who are drafting wills and contracts and other legal instruments and advising on the legal questions; you will find the real estate agents who will get up and file all the papers that are necessary to file in the justice of the peace court. You frequently find accountants and auditors and others who appear before federal agencies and prepare papers and documents and present the cases before those tribunals, all of which actions should be performed by lawyers and such papers should have been prepared by lawyers who can correctly carry these matters before the tribunal.

It is doubtful if we need any more legislation to take care of this matter. The resolution is broad enough to cover that feature of the case if it is necessary.

Mr. Chairman, I move the adoption of this resolution. There are two other members on the committee and I hope they will discuss the matter if my motion to adopt is seconded.

MR. FRANK E. EVERETT, JR.: Second the motion.

THE CHAIR: Any discussion?

MR. A. M. O'NEIL: I rise to oppose that motion from a purely selfish standpoint for the reason if it had not been for the unauthorized practice of law by a justice of the peace in Sunflower county that enabled me to make a fee of $50.00 yesterday I would not be here today. (Laughter—applause).

THE CHAIR: Any further discussion?

MR. W. A. STRONG, JR.: I want to offer an amendment, or maybe I do not understand the resolution. I notice in my county and probably that in your counties, that insurance adjusters continue to call on us to settle damage suits. Those gentlemen do not have authority to practice law; they are not lawyers; they have no oath to the Bar and as soon as there is an accident they go out, a negro gets hurt on the railroad, they settle with him for $10. The old negro is too ignorant to write his name; they have him touch the pen while they sign the release—no good lawyer would do that—(applause—laughter) and I object to that practice. I think we should pass a resolution where this would not be done in those cases unless the man is represented by a lawyer in good standing in the Bar of Mississippi, a lawyer who is authorized to practice law, and I move that we add that, that we condemn the adjuster or claim agent doing that unless he is admitted to the practice of law. (Applause).

MR. TRAVIS: We might say that is in the resolution.

THE CHAIR: The resolution covers that. All in favor of the resolution please stand. Any opposed to the resolution please stand.

MR. O'NEIL: I am still opposed.

THE CHAIR: I hereby declare the resolution carried.

THE CHAIR: We come now to the third topic before the meeting which is "Establishment of County Courts," which if acted upon affirmatively by this section will call for some aggressive action at the 1938 session of the legislature. The committee which is headed by Mr. Charles A. Sisson will read the resolution and then Mr. O. B. Triplett, Jr. will discuss the matter. This committee has given a great deal of thought and time to discussing this matter of county courts in Mississippi in counties that do not have county courts at this time. Of course this is somewhat of a selfish motive from the young lawyers' standpoint but it will readily be seen that it is to the interest of the entire public that such courts be established. We now have about ten or twelve counties that have county courts and the result of the work accomplished in those courts will readily show how the public as well as the lawyer is benefited by the establishment of those courts. At this time I am very glad to intro-

duce to you Mr. Charles A. Sisson who will read the resolution to you and then present to you the matter of the establishment of these county courts. Let's give Mr. Sisson your attention please. (Applause).

MR. CHARLES A. SISSON: The committee wishes to present the following resolution to the Junior Bar Section: (reading)

BE IT RESOLVED, by the Junior Bar Section of the Mississippi State Bar in regular convention assembled, at Meridian, Mississippi, on this the 16th day of June, 1937:

That, in order to provide a forum in each county in which litigation can be disposed of promptly and efficiently, the Junior Bar Section of the Mississippi State Bar hereby approves and wholeheartedly recommends the creation of County Court Districts composed of one, two, three or four counties, so that a county court shall be held once a month in each county;

That the Chairman of the Junior Bar Section appoint a committee to prepare and present, or have presented at the next session of the legislature an amendment or amendments to the chapter of the Mississippi Code of 1930, and amendments thereto, dealing with county courts, thereby creating county court districts;

That there shall be held in each county once a month a term of county court;

That the judges of each of said county court districts shall be elected by the qualified voters in the respective districts;

That the salaries of each of said judges shall be borne pro rata by the counties in the respective districts;

That the committee, in drawing up such amendment or amendments shall, in providing for the respective districts, take into consideration the population, assessed valuation, geographical location, and highway facilities of the counties composing the county court districts.

MR. SISSON: (continuing) I am sure there exists; I know these exists in many counties, and I feel sure there exists in practically every county which does not have a county court district a problem of crowded circuit court dockets in every court. Many of us have cases set for the last week of court which we never expect to get to try but which we wish a trial on. In cases where the courts do not set the dockets ahead of time as in Coahoma County we can go home and wait until the next term or the following term after that. That was the case before we had a county court in Coahoma County.

We made a study I might say of the county court in Coahoma County, and we are prepared to give you the affect the county court has had on our litigation in that county and the help it has given us in clearing the circuit court docket.

There are fifteen counties in the State of Mississippi that have county courts. As I said we made a study of the county court of Coahoma County from 1927 through Thursday of the May term of this year 1937. This won't take care of the cases filed since last Thursday of this year.

There have been 1708 cases which have been disposed of—that is, cases on the civil docket—which have been disposed of. Of these 965 were disposed of within one month. When I speak of "disposed of" I mean by that a final judgment, whether the case was settled, dismissed or for some other reason it was disposed of. Of course where execution was issued and where you have to take an execution you cannot blame the court with the fact that the defendant does not have any money with which to make good the judgment of the court. 15 were disposed of in 3 months—147 in five months—48, and then go on down. One case took 35 months —that was the liquidation which they kept on the docket—one case wherein defendant's condition helped to do that but I don't think that has anything to do with the court because that was a bank liquidation.

In the year 1936 there were nine civil cases on the docket that have not been disposed of at the May term of court.

I want to call this to your attention for this reason: I think this shows that the interests of the clients are served with the showing of the results of the county court even if it does show that the lawyer's interest is served too by his getting his case tried. Of course I don't mean any client is satisfied when he loses his law suit and I don't mean any lawyer is either because I for one don't like to lose a law suit but those figures just show you that instead of having your case on a crowded district docket that out of 1708 civil cases filed since 1927 all have been disposed of except nine and there have been only 44 appeals to the circuit court or any other higher court. That is on the civil docket. That record in itself would justify the county court.

I did not make a notation of these cases which were appealed from the justice of the peace court, but I do know in going over the docket there were a great number out of the 1708 cases which were disposed of by judgment or otherwise, and only 44 appeals have been taken so far.

Now, criminal cases: Of 960 cases put on the docket and disposed of, of those, 688 disposed of within one month; 157, within 3 months; 148, within four months; then on down about 10, 5, 3, 2, and so on. From those 960 cases there have been nine cases appealed. Of the cases on the docket of 1936, there have been two cases not disposed of in 1937 up until Thursday of last week.

In other words, the reason we made these tabulations was to show you that the county courts, that is, insofar as Coahoma county, and inasfar as the other fourteen counties are concerned,

do attend to business, give the lawyer and the litigant the opportunity of having his case tried without waiting one or two years to get to their cases.

I also want to show that the county court has a favorable effect on the circuit court: At the September Term, 1926, which was the term before the county court was created, there were 144 cases on the issue docket and 70 cases on the state docket, making a total of 214 cases. Then at the February Term, being only two months after the county courts were created, there were 102 cases on the issue docket and 38 on the state docket, making a total of 149 cases; May term, having only civil business, 142 cases. In the September Term, 1936, which is the last term that we have had, 27 cases on the issue docket and 18 on the state docket, making a total of 44. In other words, from September, 1926, 200 cases, and your docket September, 1936 Term your docket is 45 cases. In other words, the docket in the circuit court is in such shape that the lawyer and client who want to try their case within the term of court, may do so.

Now, Coahoma county was not picked out for any special reason. I was up there and it was easier for me to get those figures. One member of this committee, over in Scott county, where they do not have a county court—we did not get statistics from the other counties, but if this is true of one of the fifteen counties that have county courts there is no reason for us to believe, to a large extent, that it is not true also of every county court. And I think that county courts do dispose of business rapidly, which is a great advantage, because we need the fee, if we need the fee we need it now, we cannot wait two or three years to collect it, we might starve in the meantime.

Another thing, our witnesses get out of pocket if we wait from term to term.

And with those remarks, Mr. Chairman, the Committee moves the adoption of this resolution. (Applause).

MR. JUNIOR O'MARA: In regard to those counties which already have county courts: In what respect would that affect those counties, as you have the resolution to take in several counties to make one district?

MR. SISSON: This resolution says districts composed of 1, 2, 3, or 4; in other words, dealing with the size of the county. As to those fifteen counties that already have county courts, those would be districts within themselves; they would not be disturbed, is our idea.

MR. O'MARA: You would not add another county to those, to compose a county court district?

MR. SISSON: Well, no, not to Coahoma.

MR. O'MARA: That would be true of the other fifteen?

MR. SISSON: Yes, it was our idea in all those counties to leave them as they are. It seems they have enough business as it is.

MR. O. B. TRIPLETT, JR.: I believe I could add a word on that particular point that might clear up the question asked. It was the opinion of the committee, if such action were taken by the legislature, it would simply set out and define such county court districts, state what counties composed the district, whether one, two, three or four, and that would be a matter for the legislature to determine, but it would probably result in leaving a county already having a county court in a district by itself, but it may be that there would be another county added to it.

MR. SISSON: With reference to the resolution, it calls for an appointment of a committee to prepare the bill. We all know that when that bill gets into the legislature they may tear it all to pieces, but the resolution calls for a committee to prepare a bill and also to work with the legislature on the matter.

MR. O'NEIL: Does that have to do with the abolishment of the Justices of the Peace?

THE CHAIR: No, we cannot do that.

MR. O'NEIL: I don't want to abolish them. (Laughter).

MR. SISSON: You want to come back next year. (Laughter).

MR. FRANK E. EVERETT, JR.: One of the fine features of the county court, as at present, it meets every month, you are able to go to court, have your business transacted, but if you have county courts cover four counties, how often would that court meet in each of those four counties?

MR. SISSON: It shall be held in each county once a month.

MR. EVERETT: How is the judge going to scatter about in all four of those counties?

MR. SISSON: Oh, he can do it. I'll say for our county court, not once in 24 months does our county court last over a week. It would not be my idea, unless the counties were close together to have more than two or three in one district, but that would be according to the assessed valuation, the population, and we don't want to put too much burden on one county in supporting his county court.

VOICES: Question! Question!

VOICE: Another question I want to ask: There are counties unable to support a circuit court, how are you going to burden them with a county court when they are unable to support a circuit court, and some of the counties have to pretermit the circuit courts because they are unable to pay for them.

MR. SISSON: This resolution calls for the counties to bear that burden pro rata. If there are three to the district let each pay a third of the costs.

VOICE: There is no reason in the world for the circuit court terms being as long as they are.

MR. SISSON: If you have your county court, if the resolution is adopted and we get a bill through the legislature to have county courts, if it is the same in other counties as it is in Coahoma county, the expense of the circuit court is much smaller, it very seldom runs over three or four weeks; and the expense of the judge, the stenographer, and getting all those witnesses, the expenses would have to be borne by the counties.

MR. O. L. CASEY: The term in Perry county has been pretermitted several times, due to the fact that they have no money to support a circuit court. How can they pay for a county court?

MR. SISSON: The main reason is, the docket is either too crowded; or there is not enough allotted by the board of supervisors, or the board of supervisors want to hold that money. Where they cannot pay for it it will have to be worked out.

MR. FRANK EVERETT: I second the motion for the adoption of the resolution.

THE CHAIR: Any further discussion?

All in favor of the adoption of the resolution, let it be known by standing; all opposed same way.

I now declare the resolution adopted.

I believe that concludes our program on the three topics and before we go into general discussion, I wish to thank these three committees for the splendid work they did on these topics. I am sure we have gained much by the orderly discussion of the subjects, the intelligent questions and answers, and I think I speak for the Junior Section when I thank the three committees for the concise and comprehensive presentation which has taken place here this evening. I feel as though we have started off in a very great way. More or less, we have written our platform here this evening. Having it started, fulfillment will be the duty of the incoming administration to work for the county courts, to correct unauthorized practice of law and encroachment on the practice of law by corporate fiduciaries. I also want to thank the Executive Committee for the work it has done. (Applause).

MR. J. O. SAMS: This is the second bar meeting I've attended, both of them here, and my observation is limited in state bars. I affiliate with the county bar here. In those two years I saw a lot of resolutions passed; I saw a lot of ideas brought forward, all good, just like we have been bringing ideas forward tonight, and we are all young and look to the old lawyer to see that

those ideas were brought forward, see the resolution passed and put in force, and they were not, and we thought we were primarily concerned with the information. Before the Junior Bar was organized in this state we had talked of it in this location, not necessarily in this county, but some counties around here, and our idea was a Junior Bar would do something about it, and tonight we have come forward with a lot of good ideas, but I still don't see any machinery to enforce it. Now, I admit that it is difficult to get it enacted. Fact is, we have a Code of Ethics; a lawyer violates that Code of Ethics; it would be embarrassing for a local man to do anything about it and very few have enough nerve among the young ones, and very few of the old ones have enough incentive to do it. What I propose, it is foolish, it is a reflection upon the Bar, nevertheless I am going to propose it, and that is, that the State Bar make whatever appropriation is necessary to hire one man to see that these ideas and these resolutions are enforced, I move that the Junior Section of the State Bar Association, known as the Mississippi State Bar, take the necessary steps to employ one man or more, and provide the necessary money for him to enforce the ethics and the resolutions adopted and a part of this profession.

VOICE: Second the motion.

MR. MINNIECE: You propose to have a full time man on that job?

MR. SAMS: I think it would take a full time man.

MR. MINNIECE: I don't think it could be done without raising the Bar dues. My personal opinion, it would take an increase in Bar dues to do that.

THE CHAIR: I don't wish to make a speech about the matter. I just want to say, we have the machinery, we have a Board of Commissioners, Bar Complaints Committee, and they have full authority to institute disbarment proceedings, and if you hire a man to do what they cannot do, he cannot do more.

(Whereupon the motion was put before the house and lost).

THE CHAIR: I would like to introduce Mr. James N. Ogden.

MR. OGDEN: I just want to take this opportunity to say this one thing, and I thought it might be of interest to all of us. It was a thing that made me mighty happy, to see such a large crowd present. And that was with respect to the meeting held in the spring in New Orleans, the Juniors of the American Bar, in connection with the Louisiana Bar, a joint meeting in New Orleans, and I see a good many present, and I know they will all agree with me, when I say, everything else considered, and the fact that they were in a large community, it was no question but that we just put it over these others, had a better representation and the young lawyers in Mississippi are more interested in what was going on, they had a local meeting, and the local meeting was not anything to com-

pare with this meeting. And then again last week I went to Memphis and attended a meeting of the Tennessee Junior Bar Section, the same section in the state that we have here in this meeting now, and at that meeting there were representatives from Arkansas, and I talked with the representatives from Arkansas and I saw the attendance and what they were trying to do at Memphis, and I want to tell you that you all are really doing something that those fellows are so far behind us—they will be years behind. They hold there in Louisiana, for instance, they have two bar associations, and they hold separate meetings, and they are just as far apart as they can be, they cannot get together. Well, I don't think they know what an integrated bar is—we have had it up here so long we have forgotten we have it, in Tennessee and Arkansas those fellows told me they tried for years to get a bar bill through. They have 3,000 in Tennessee and 600 lawyers belong to the Tennessee Bar Association, and that's the fix that they are in, and they have more lawyers in Memphis, young lawyers, than we have in this crowd, and you would be surprised how much larger crowd this is at this meeting than the one held in Memphis. Now in Alabama, I don't know what they are doing, but we are really way out in front at this meeting, and head and shoulders above the things going on and being done tonight, preparation of new ideas and action, we are in advance of all the other states, and we have started somewhere, we are way out in front. I just believe we are going to stay out in front and go places. (Applause).

THE CHAIR: Thank you very much.

I think Mr. Ogden has sounded the right keynote, and I want to thank him very much for what he said. We have more or less worked out our program, and it is up to us now—what are we going to do about it. We all know, of course, the Junior Bar members are Bar members by virtue of the fact that we belong to the Junior Bar Section. However, we contribute our $5 as the other lawyers do. We do not pay any dues as Junior Bar members to the Junior Bar. We contribute our $5 along with the other lawyers who do not belong to the Junior Bar Section because of the age limit. It is my idea that the future chairman should meet with the Budget Committee of the Mississippi State Bar and seek to get an allowance, allocation for the future, of some amount of money to take care of the expense of our Junior Bar representative, going down to attend the legislature to assist in the passage of the bill about the county courts. Of course we are not going to pay them for their time, but we ought to pay them something on their expenses, and we would have to have the chairman and vice-chairman meet with the committee and work out some arrangements whereby we might get some money from the State Bar. We know the State Bar has to pinch pennies but they might be able to give us something, and without the chairman seeking to dictate any policy, I'd like to entertain a motion to that effect if you think wise.

MR. SATTERFIELD: I move that the new chairman and vice-chairman be authorized to meet with the budget committee of the Mississippi State Bar, with the idea that a portion of the dues paid by the Junior Bar be allocated to the expense of putting through projects suggested by the Junior Bar Section.

MR. SAMS: Second the motion.

THE CHAIR: All in favor of the motion, let it be known by saying "Aye"; all opposed by saying "Nay". The "Ayes" have it; and it is so ordered.

The Chairman will now entertain nominations for a Chairman for the ensuing year.

MR. DAVID COTTRELL, JR.: I wish to thank the Chairman for this interesting program this evening. I think the Chairman is responsible for this splendid program, and I think each one of us knows that very well; that he has very well and thoroughly discharged that duty, and in the future to come, if we can only carry on this splendid work which has been so favorably and profitably established, we must select men of equal character and ability. We were extremely fortunate in initiating our program, in having the leader we have tonight, and I am sure that those who came here merely with an inquisitive mind, are very much gratified in the first place with the topics that have been discussed; in the second place, with the intelligent discussion of each topic; and in the third place, the extreme interest that has been shown by all of the members here in those topics; and in the fourth place, the topics that have been discussed here upon the floor, have been well worthwhile.

I do not think on this occasion it could be truthfully said that anything that has been said on this occasion is not extremely encouraging both to the State Bar and the people of the state.

Of course, our leaders have only been successful in proportion to the cooperation which they have received from these members, and from the State Bar, that is necessarily the case in any instance, and I say when we select our man next year and the one as vice-chairman, they must have ability in line with our present chairman; he must be a man of ability, and he must not only be a man of ability but of intelligence and of courage. We do not have a great deal of money to pursue these things which have been proposed, so our greatest asset will be the activity of the man who is selected as chairman on a basis of mere gratitude and willingness to do something for his state, for his Bar, and for the Junior Bar, and ultimately all, or most of these benefits will rebound to the satisfaction of the Bar in this state.

Having these things in mind, I want to propose as Chairman for the Junior Bar Section of this state a man whom I have known over a period of several years. Hence it is my firm belief that you will have in this man as active a person as could possibly be selected

for that position. You will have a man who does not have a regard for money, and whose first concern would be the carrying out of those things which you have proposed tonight, and carrying on this cause which we have begun on this occasion. I have known this man for many years, and I believe he is peculiarly qualified from that standpoint, from the standpoint of ability and intelligence, and courage. I take pleasure in placing in nomination the name of James H. Graham for Chairmanship of the Junior Bar Section of the Mississippi State Bar. (Applause).

MR. CHAS. S. TINDALL, JR.: As a young group, I think we should say about any one man—I think there are two qualifications necessary—first, I think that in many instances, first I know we will have traits of character, and the other two of which I speak are those of ability and energy. Tonight I would like to nominate for next year's Chairman of this group, the man I have known in the past very intimately. He has taken part in every endeavor of this Junior Bar Section with a steadfast devotion to every trust he has taken in hand; he has shown a marked ability and remarkable energy, Frank E. Everett, Jr. (Applause).

MR. OGDEN: I think we ought to have plenty of material to fill this position, and I don't think a little competition will hurt any of us. I am sure what my friend Mr. Cottrell and Mr. Tindall has said is true, and that if either were elevated to this positoin, he will do all of the work of which he is capable. There is not a doubt in the world that either one of these gentlemen named would admirably fill the position. The man I shall name is in position that if we overdraw our bank account to cover over there in advance of the regular meeting, as we use to do when the banks allowed overdrafts, he would be able to take care of us. But seriously, I wish to nominate a man who has always been a personal friend of mine, a man who tries to make advances, who always wants to go forward. There is no question about his ability, his energy, his character, and everything else that is desirable can be said about him.

THE CHAIR: What about his finances?

MR. OGDEN: His finances, I hope, are unquestionable. And without going more in detail, I rise to nominate my good friend, John C. Satterfield of Jackson. (Applause).

THE CHAIR: Any other nominations?

VOICE: Move that the nominations be closed.

THE CHAIR: Is there a second to that motion?

VOICE: Second the motion.

(Whereupon the chair put the motion, and the motion to close the nominations was carried).

THE CHAIR: According to the custom we had last year, the last shall be first, and the first shall be last.

MR. RALPH LANDRUM: I think we should do it by secret ballot.

VOICE: Vote by secret ballot.

MR. OGDEN: Is it the custom that the highest ballot received shall be chairman and the second highest shall be vice-chairman?

THE CHAIR: Do you make that motion?

MR. OGDEN: Yes.

MR. MINNIECE: Move to table the motion.

THE CHAIR: If you will give me your attention I will give you the question before the house. The question arises as to how the ballot should be taken and what would be the result if the high man did not receive a majority. The Chair holds that if the high man does not receive a majority, the low man will be dropped and there will be another ballot taken.

MR. OGDEN: I appeal from the ruling of the Chair. There was a motion before the house that the vote should be taken by secret ballot, which motion was seconded, then there was a motion that the high man should be Chairman and the next high vice-chairman, and there was a motion to table.

THE CHAIR: Was there a second to the motion to table?

VOICE: I second the motion.

THE CHAIR: All in favor of tabling the motion, let it be known by saying "Aye"; opposed "Nay".

The motion to table was lost.

All in favor of Mr. Ogden's motion that the high man shall be chairman and the second high shall be Vice-chairman, say "Aye"; opposed "No".

There seems to be a division, we will have to stand on that and be counted.

(Whereupon the motion carried, and the Chair so announced).

THE CHAIR: Has everyone's ballot been turned in?

(After the ballots were counted, the Chair announced that Mr. Graham had been selected as Chairman, and Mr. John C. Satterfield as Vice-Chairman). (Applause).

MR. GRAHAM: Mr. Chairman and fellow members of the Junior Bar, I am certainly indebted for this honor you have bestowed upon me. I don't see why you did not vote for John, he has got to do the work anyhow. He is there in Jackson and the expenses will be minimum; he attends the legislature. I am delighted to see the first meeting of the Junior Bar of the State Bar of Mis-

sissippi go off with such a bang, and wish to say that it will require the cooperation and efforts of all of us to put across this program. I am heartily in favor of everything that has been brought before the body and I assure you that I will endeavor to carry out these ideas that have been brought before the body tonight.

I am glad to see you all here, and I hope you have a good time, and anything that the Meridian boys can do for you while you are here, don't fail to call on us.

THE CHAIR: Next is the election of the committees, three committeemen from each of the Supreme Court Districts.

Whereupon the following were elected:

Northern District:	Guy Mitchell, Jr. Floyd Cunningham Chas. A. Sisson
Southern District:	J. N. Ogden Barney E. Eaton, Jr. Quitman Ross
Middle District:	J. C. Wilbourn Allen C. Thompson Ed Brunini

THE CHAIR: If there is no other business to come before the Junior Bar Section of the Mississippi State Bar, a motion to adjourn is in order.

(Whereupon the meeting adjourned at 10:40).

In Memoriam

"We live in deeds, not years; in thoughts, not breaths. It is not how long we live, but how well we live."

J. D. Stone, Lambert
H. H. Boswell, Coffeeville
D. W. Houston, Aberdeen
N. R. Sledge, Jr., Senatobia
Z. M. Stephens, New Albany
W. J. Gex, Sr., Bay St. Louis
W. W. Magruder, Starkville
Jas. E. Coughlin, Hattiesburg
Chas. Richardson, Macon
E. L. Brien, Vicksburg
D. W. Draughn, Hattiesburg
Francis B. Dwyer, Meridian
B. N. Knox, New Albany
N. V. Robbins, Vicksburg
F. E. Richardson, Meridian
D. C. Lauderdale, Senatobia
T. A. Woods, Mississippi City
W. A. Parsons, McComb
H. C. Barnett, Carthage

These members were with us and part of us at the last Annual Meeting of this Bar. They have since passed beyond the reach of all human praise or blame—passed beyond the tumult of strife, the necessities of pleading, the contentions of counsel and the conclusions of courts. They now clearly see and hear and understand with precision the ways and doings of the Great Law Giver for us all.

Some of these men left the imprint of their genius upon the laws and policies of this state; some occupied positions of distinction and trust; some were prominent in shaping the affairs of their municipal and county governments; *all—all* were worthy and honored members of our fraternity and enjoyed the confidence and esteem of those who knew them best.

Here, in Mississippi, most of them first saw light of day; here, too, they enjoyed the triumphs of youth and here faced the sterner problems of age. Some fell asleep while life was close to its morning. But, after all, 'tis said "It might be best in the brightest, happiest hour of all the voyage, while eager winds are kissing every sail, to dash against an unseen rock and in an instant to hear the billows roar above a sunken ship, for whether it be in mid sea or amongst the breakers of the farther shore a wreck at last must mark the end of each and all and every life no matter if its every hour be filled with love and every moment jeweled with a joy becomes a tragedy as sad and dark and deep as can be woven of the warp and woof of mystery and death."

This hour has been set apart for the purpose of paying tribute to the

memories of these departed dead. It is well that we should profit by the lessons of this solemn hour and prepare to give a good account of ourselves at the Bar of that Great Judge before whom we all must appear.

Death is as profound a mystery today as at the dawn of time. The intervening centuries have witnessed countless efforts to discover the land beyond the tomb, but there is no Columbus of the grave. Death is the one monarch which revolutions cannot conquer; the one ruler whose kingdom ever widens and whose pale and silent subjects never rise to question his authority. We cannot alter everlasting laws or stop the timepiece of eternity which strikes for each his hour to fall asleep. Friends come, they go, and as they pass their memory is given a place among the crowding recollections of our receding years.

In appreciation of the virtues of these departed comrades, advocates who in life never trimmed a sail to meet the passing breeze; advocates who had the courage, the integrity and the confidence of those who knew them well, let us strive to emulate the good example they set and to so live that it can be said of us, when our end comes, that we left behind a legacy of good deeds and honorable achievements.

Senator Ingalls said, "In the democracy of death all men are equal. There is neither rank nor station nor prerogative in the republic of the grave. At this fatal threshold the philosopher ceases to be wise, and the song of the poet is silent. Dives relinquishes his millions and Lazarus his rags. The poor man is as rich as the richest and the rich man is as poor as the pauper. The creditor loses his ursury, and the debtor is acquitted of his obligation. There the proud man surrenders his dignities, the politician his honors, the worldling his pleasures; the invalid needs no physician, and the laborer rests from unrequited toil.

"Here, at last, is nature's final decree in equity. The wrongs of time are redressed. Injustice is expiated, the irony of Fate is refuted; the unequal distribution of wealth, honor, capacity, pleasure, and opportunity, which makes life such a cruel and inexplicable tragedy, ceases in the realm of death. The strongest here has no supremacy, and the weakest needs no defense. The mightiest captain succumbs to that invincible adversary who disarms alike the victor and the vanquished."

The desire to pay tribute to the memory of the dead is a distinctive characteristic of every people who believe in a life beyond the grave. If there is, beyond the veil of night, another world to which men carry all the failures and triumphs of this life, if there is another world in which sincerety is a virtue, in which fidelity is loved and courage honored, then all is well with our dear friends. In that beautiful drama of Ione, as the young Greek is about to offer up his devoted life, Cleanthe asks him, "Shall we meet again?" He replies, "I have asked that dreadful question of the hills that look eternal; I have asked it of the rivers that flow forever; I have asked it of the stars beneath whose azure fields my raised spirit walked in glory, but all—all were dumb. When I look into your living face there is something in the beauty that mantles your cheek that tells me we shall not wholly perish. Yes, Cleanthe, we shall meet again—we shall meet again."

There is a legend among the dwellers on the Rhine that on one night in every year, when the moon is at its full, the Great Imperial Charles emerges

from his tomb and again visits the scenes he loved on earth. When the moonbeams fall on the noble river and fling from bank to bank a bridge of light, upon that bridge of moonbeams the monarch walks, calling down a benediction on all the land. He blesses the earth, the fields, the cities, the towns, the hamlets; he blesses the sleeping people of them all and, his loving mission accomplished, he returns to his resting place in La Chappell. What a beautiful legend, and no doubt believed to be true by many of the devoted people of that country.

If it be that the dead do live again; if it be possible for those who have passed away to return in spirit to the scenes which engrossed their attention in life, we might well hope that the spirits of our departed members are hovering about this assemblage today. They loved us here and our recollections of them shall always be pleasant. They may have had their faults, who has not, but over them all we cast the veil of charity and love.

When in turn our time comes to pass to the other side of the invisible river to join the host of associates who have preceded us to that land where sorrow never lives and friendship never dies, will it be ours to see there, to meet us and to greet us, all those whom we knew and loved in this life? Will it be theirs to plead for us, before the Bar of that Great Judge, that He "be to our faults a little blind, and to our virtues ever kind." Should precedent be invoked and protest made by some reactionary to our title to mansions in the skies, might we expect to see the courtly and eloquent Winc Houston, the wise and sedate Magruder, the just, calm and calculating Judge Brien, joined by all those whose memory we honor today, rise up in our defense and invoke the philosophy of the learned Cardozo, who said, "Judges march at times to pitiless conclusions under the prod of a remorseless logic which is supposed to leave no alternative. They deplore the sacrificial rite; they perform it none the less with averted gaze, convinced as they plunge the knife that they obey the bidding of precedent and their office. The victim is offered up to the gods of Jurisprudence on the altar of regularity."

With abiding faith in the sincerety, the eloquence and the ability of such counsel to acquit in that forum where all men's good is each man's rule; undisturbed by predictions of eternal punishment, may we journey on from day to day "to that other horizon where the dusk is waiting for the night."

May all who in life were dear to those whose memory we honor dwell with rapture upon the coming of the hour when they, too, shall meet again their loved ones and, together with all the resurrected race of men, for joy outshine the morning stars.

"As angels turn the pages of our years,
God grant they read the good with smiles,
And blot the ill with tears."

REPORT OF ACCOUNTS AND FINANCE
MISSISSIPPI STATE BAR

Report on audit of accounts and financial records for the year ended May 30, 1937, including statement of receipts and disbursements and of supporting schedules

W. Q. SHARP & COMPANY
CERTIFIED PUBLIC ACCOUNTANTS
Members of American Institute of Accountants
W. Q. Sharp B. Miller D. D. Quin A. E. Sanford
JACKSON, MISSISSIPPI

June 9, 1937

Board of Commissioners,
Mississippi State Bar,
Jackson, Mississippi.
Gentlemen:

We have audited the accounts and financial records of the Mississippi State Bar as maintained in the office of the Secretary-Treasurer, for the year ended May 30, 1937. This audit consisted of the verification of all recorded receipts and disbursements during the year, and the verification of the unexpended balance on hand at May 30, 1937.

The results of our audit are presented in this report, which includes: (1) text of comments and explanatory detail; (2) statement of receipts and disbursements for the year ended May 30, 1937; (3) schedules supplementing the foregoing statement.

COMMENTS RESPECTING RECEIPTS AND DISBURSEMENTS

Exhibit A presents statement of receipts and disbursements for the year ended May 30, 1937.

A summary of the receipts and disbursements for the current year and a comparison with a summary of receipts and disbursements for the previous year are presented in the following table:

	1936-37	1935-36	Increase Decrease-
BALANCE ON HAND BEGINNING OF YEAR	$2,841.28	$2,941.41	$ 100.13-
RECEIPTS:			
Net dues collected	5,405.00	5,315.00	90.00
Collection of returned checks, covering prior years dues	5.00	10.00	5.00-
	$5,410.00	$5,325.00	$ 85.00
	$8,251.28	$8,266.41	$ 15.13-
DISBURSEMENTS:			
Secretary's salary	$1,500.00	$1,640.00	$ 140.00-
Office expense	871.10	756.65	114.45
Annual convention	449.51	372.85	76.66
Commissioners' Expense	1,039.68	772.70	266.98
Mississippi Law Journal	1,500.00	1,748.70	248.70-
Complaint Committee Expenses	144.42	43.38	101.04
Committee and other expenses	157.12	90.85	66.27
Office equipment purchased	118.64	—	118.64
	$5,780.47	$5,425.13	$ 355.34
BALANCE ON HAND, END OF YEAR	$2,470.81	$2,841.28	$ 370.47-

Secretary's salary for year ended May 30, 1936 of $1,640.00, included $240.00 paid Hon. Walter W. Capers for four months services. The balance of $1,400.00 was paid to your present Secretary, Mrs. Alice Nevels.

An analysis of net dues collected for the year ended May 30, 1937 is presented in schedule A-1. During the current year, your Secretary-Treasurer issued receipts to 1096 members. Refunds were made to two members to whom receipts had been issued for duplicate payments, and checks covering thirteen of these receipts were returned unpaid during the year and had not been collected at the date of our report.

All cancelled checks of your depository were carefully examined, and were properly supported by vouchers for each expenditure. The balance of $2,470.81 remaining on hand at May 30, 1937 was verified by direct communication with your depository.

A list of the delinquent members at May 30, 1937 is presented in schedule A-2. Returned checks held for redeposit, for which receipts have been issued, are reflected in schedule A-3. While members whose checks have been returned unpaid are delinquent, and are shown in schedule A-2, it was deemed advisable to include a list of the members issuing these returned checks as a part of this report.

A review of the membership roll of the Mississippi State Bar for the current year disclosed the following information:

Active members paying dues	1,042
Delinquent members	172
Exempt members	45
New members, exempt for one year	102
Members not in active practice	183
Total members on roll	1,544

Entries have been made in the journal and were posted under date of May 30, 1937 to bring the financial records into conformity with the statement of receipts and disbursements forming a part of this report.

Yours very truly,

W. Q. SHARP & COMPANY,
Certified Public Accountants.

MISSISSIPPI STATE BAR

List of Statements Contained in Report on Audit of Accounts and Financial Records, Year Ended May 30, 1937

Exhibit A—Statement of Receipts and Disbursements, Year Ended May 30, 1937.

Schedule A-1—Analysis of Net Dues Collected, Year Ended May 30, 1937.

Schedule A-2—Schedule of Delinquent Members at May 30, 1937.

Schedule A-3—Schedule of Returned Checks Held for Redeposit at May 30, 1937.

Exhibit A

MISSISSIPPI STATE BAR

Statement of Receipts and Disbursements, Year Ended May 30, 1937

BALANCE ON HAND, MAY 31, 1936			$2,841.28
RECEIPTS:			
Net dues collected—schedule A-1		$5,405.00	
Collection of returned checks covering prior year's dues		5.00	
			$5,410.00
			8,251.28
DISBURSEMENTS:			
Secretary's salary		1,500.00	
Office expense:			
Auditing	$ 60.00		
Bond premium	15.00		
Dues and subscriptions	32.70		
Exchange	13.56		
Extra clerical help	70.50		
Postage	352.26		
Stationary, printing and office supplies	185.23		
Telephone and telegraph	141.85	871.10	
Annual convention		449.51	
Commissioners' expenses		1,039.68	
Mississippi Law Journal		1,500.00	
Complaint Committee expenses investigating disbarment cases		144.42	
Committee and other expenses:			
Legislative Committee	30.26		
Junior Bar Section	55.08		
Special called meeting	71.78	157.12	
Office equipment		118.64	
			5,780.47
BALANCE ON HAND, MAY 30, 1937			$2,470.81

Schedule A-1

MISSISSIPPI STATE BAR

Analysis of Net Dues Collected, Year Ended May 30, 1937

GROSS RECEIPTS:

	No. of Members	1932-33	1933-34	1934-35	1935-36	1936-37	1937-38	Total
1932-33 dues								
Nos. 1207-1208	2	$ 10.00	$	$	$	$	$	$ 10.00
1933-34 dues								
Nos. 1135-1138	4		20.00					20.00
1934-35 dues								
Nos. 1090-1101	12			60.00				60.00
1935-36 dues								
Nos. 1051-1077	27				135.00			135.00
1936-37 dues								
Nos. 15-1050*	1,035					5,175.00		5,175.00
1937-38 dues								
Nos. 1-16	16						80.00	80.00
	1,096	10.00	20.00	60.00	135.00	5,175.00	80.00	5,480.00
Refunds and returned checks	15	5.00	5.00	5.00	20.00	40.00	—	75.00
	1,081	$ 5.00	$ 15.00	$ 55.00	$ 115.00	$5,135.00	$ 80.00	$5,405.00

*Receipt No. 19 issued in lieu of No. 945 for 1935-36. J. T. Brown had previously paid for 1935-36 under receipt No. 518, and the money received under date of 1-16-36 was intended for 1936-37 dues. However, it was issued under receipt No. 945 for 1935-36 dues and erroneously credited to J. H. Brown of Fulton, therefore, receipt No. 19 has been issued to correct error. It is not here being counted as cash under receipt No. 19 as this would duplicate a previously reported cash receipt under receipt No. 945.

Schedule A-2

MISSISSIPPI STATE BAR

Schedule of Delinquent Members at May 30, 1937

Name	Address	No. Yrs. Delq.	Amount
Amis, A. B., Jr.	Newton	1	$ 5.00
Anderson, Cephus	Hattiesburg	3	15.00
Arrington, James D.	Collins	1	5.00
Austin, B. G.	Jackson	1	5.00
Barlow, E. C.	Brookhaven	2	10.00
Bayless, H. L., Jr.	Bay Springs	1	5.00
Benson, Homer F.	Fulton	1	5.00
Bertrand, Ruth L.	Hattiesburg	3	15.00
Boydstun, R. W.	Louisville	1	5.00
*Boyett, W. G.	Jackson	3	15.00
Brantley, Z. A.	Louisville	1	5.00
Broadway, L. J.	Meridian	5	25.00
Broom, S. C.	Jackson	1	5.00
Brown, D. W.	Fulton	1	5.00
Brown, M. D.	DeKalb	1	5.00
Buchanan, Frank J.	Amory	2	10.00
Buchanan, Harry	Hattiesburg	2	10.00
Buckley, J. Emmett	Enterprise	1	5.00
Buckley, Jno. L.	Enterprise	2	10.00
Bullard, Wm. D.	Pascagoula	5	25.00
Bullard, R. L.	Hattiesburg	5	25.00

*The members so indicated have given checks which have been returned unpaid covering one or more years' dues.

Schedule A-2—Continued

Schedule of Delinquent Members at May 30, 1937—Continued

Name	Address	No. Yrs. Delq.	Amount
Burdette, W. F.	Richton	1	5.00
Byrd, J. M.	Leakesville	5	25.00
Byrnes, C. F.	Natchez	2	10.00
*Bridges, L. C.	Purvis	2	10.00
Cameron, Chas. B.	Meridian	1	5.00
Carter, B. F.	Laurel	3	15.00
Case, C. C.	Jackson	4	20.00
Churchwell, W. C.	Leakesville	5	25.00
Collins, Jeff	Laurel	5	25.00
Cooley, D. B.	Laurel	4	20.00
Cooper, Milton	Philadelphia	2	10.00
Cooper, R. D.	Meridian	1	5.00
*Cooper, S. B.	Philadelphia	5	25.00
*Coursey, B. F.	Decatur	4	20.00
Crisler, Bert	Jackson	2	10.00
Clark, John A.	DeKalb	1	5.00
Dale, T. Price	Hattiesburg	1	5.00
Davis, D. P.	DeKalb	3	15.00
*Davis, John E.	McComb	4	20.00
Davis, W. S.	Waynesboro	3	15.00
Dedeaux, O. J.	Gulfport	3	15.00
Dunn, A. C.	Meridian	1	5.00
Easterling, Albert E.	Laurel	3	15.00
Ellis, W. B.	Iuka	5	25.00
Elmer, F. W., Jr.	Biloxi	4	20.00
Estes, Wm. M.	Enterprise	5	25.00
*Eudy, J. E.	Eupora	2	10.00
Evans, C. C.	Laurel	4	20.00
*Evans, H. H.	Gulfport	5	25.00
Everett, W. M.	Decatur	2	10.00
Garth, J. Hunter	Hazlehurst	3	15.00
Gautier, H. W.	Pascagoula	2	10.00
Gore, T. N.	Marks	2	10.00
Gore, W. E.	Jackson	1	5.00
Goss, Roy J.	Columbia	1	5.00
Graham, D. M.	Gulfport	3	15.00
Graham, D. M., Jr.	Gulfport	4	20.00
Greaves, C. B.	Flora	1	5.00
Green, Jess D.	Tupelo	3	15.00
Guy, T. A.	Greenwood	1	5.00
Hamilton, Geo. S.	Jackson	1	5.00
Hartley, C. D.	Columbus	1	5.00
Harwell, J. M.	Meridian	1	5.00
Haydon, Chas. R.	Gulfport	1	5.00
Hearst, A. A.	Hattiesburg	1	5.00
Higgins, John B.	Jackson	1	5.00
Hindman, E. E.	Jackson	1	5.00
Hinds, Robert L.	Tupelo	1	5.00
Holesapple, Newsom	Columbus	2	10.00
Holmes, D. B., Jr.	Meridian	3	15.00
Holmes, D. W.	Hattiesburg	5	25.00
Hopkins, Hugh Sam	Lula	1	5.00
*Hunter, J. Q., Jr.	Union	5	25.00
Hutto, A. C.	Gulfport	2	10.00
Hutto, W. M.	Waynesboro	3	15.00

*The members so indicated have given checks which have been returned unpaid covering one or more years' dues.

Schedule A-2—Continued

Schedule of Delinquent Members at May 30, 1937—Continued

Name	Address	No. Yrs. Delq.	Amount
Jaap, C. O., Jr.	Jackson	1	5.00
Jayne, R. L.	Greenville	3	15.00
*Johnson, C. C.	Meridian	1	5.00
Johnson, Albert S., Jr.	Gulfport	1	5.00
Jourdan, J. C., Jr.	Iuka	4	20.00
Kelly, A. F.	Hattiesburg	1	5.00
Koonce, Pat	Hattiesburg	4	20.00
Kruse, H. A.	Biloxi	1	5.00
Lacy, C. R.	Booneville	1	5.00
Lacy, Eugene P.	Booneville	3	15.00
Landrum, Scott	Kosciusko	3	15.00
Leach, H. B.	Jackson	1	5.00
Lee, W. J., Jr.	Prentiss	5	25.00
Lewis, E. M.	Hazlehurst	1	5.00
Lewis, Ida Lou (Mrs. E. M.)	Hazlehurst	1	5.00
Lincoln, B. A.	Columbus	1	5.00
Long, Sam P.	Tupelo	5	25.00
Majuri, R. S.	Newton	1	5.00
Maples, L. W.	Gulfport	3	15.00
*Martin, J. D.	Raleigh	3	15.00
Maynard, Wm. H.	Jackson	1	5.00
McCool, D. C.	Canton	1	5.00
McGehee, L. H.	McComb	1	5.00
McGehee, W. H.	Bude	1	5.00
McKenzie, L. T.	Ashland	3	15.00
McLeod, D. A.	Mt. Olive	4	20.00
Melvin, Leonard B.	Laurel	4	20.00
Miller, Hugh Barr	Hazlehurst	2	10.00
Miller, Hugh Barr, Jr.	Hazlehurst	1	5.00
Mitchell, B. T.	Tupelo	2	10.00
Montgomery, Goode	Laurel	5	25.00
Montgomery, Holt	Laurel	5	25.00
Moreland, G. C.	Corinth	1	5.00
Morgan, F. R.	Morgan City	2	10.00
*Moss, Joseph H.	Raleigh	5	25.00
Mounger, Gilruth	Greenwood	4	20.00
*Munn, W. I., Jr.	Newton	2	10.00
*Miller, D. M.	Hazlehurst	1	5.00
Nelson, A. M.	Jackson	3	15.00
Nettles, S. R.	Meridian	1	5.00
Pace, Courtney C.	Pace	4	20.00
Parker, E.	Houston	3	15.00
Pierce, Whitney	Jackson	2	10.00
Phillips, Casper C.	Meridian	3	15.00
Pittman, Homer	Hattiesburg	1	5.00
Price, J. H.	Indianola	1	5.00
*Powell, Sid	Canton	1	5.00
Ratliff, P. D.	Raymond	2	10.00
Redmond, S. D.	Jackson	3	15.00
Rhine, H. M.	Iuka	5	25.00
Riddell, J. A.	Meridian	2	10.00
Savage, J. W.	Gulfport	1	5.00
Scarborough, C. P.	Sumrall	5	25.00
Seale, J. Eugene, Jr.	Meridian	1	5.00
*Searcy, W. P.	Jackson	2	10.00

*The members so indicated have given checks which have been returned unpaid covering one or more years' dues.

Schedule A-2—Continued

Schedule of Delinquent Members at May 30, 1937—Continued

Name	Address	No. Yrs. Delq.	Amount
Shanks, J. W.	Sumrall	4	20.00
Simmons, J. U.	Gulfport	4	20.00
Sims, W. L.	Columbus	5	25.00
Stanley, Roger	Booneville	1	5.00
Stennett, J. C.	Jackson	1	5.00
Stone, H. R., Jr.	Decatur	2	10.00
Strange, E. T.	Meridian	1	5.00
Stribling, Jim	Philadelphia	1	5.00
Stribling, Wm. P.	Columbus	3	15.00
*Stringer, H. C.	Jackson	1	5.00
Summers, C. L.	Corinth	3	15.00
Sumrall, N. W.	Belzoni	1	5.00
Sutherland, A. L.	Booneville	1	5.00
Swalm, Sherman W.	Brookhaven	1	5.00
Swalm, Terry S.	Brookhaven	1	5.00
Taylor, E. B.	Shelby	1	5.00
Temple, W. F.	Meridian	4	20.00
Todd, E. B.	Jackson	1	5.00
Travis, J. Madison	Meridian	1	5.00
*Tullos, L. V.	Raleigh	1	5.00
Wadsworth, J. M.	Forest	5	25.00
Walker, Roy	Laurel	2	10.00
Wall, E. R.	Newton	2	10.00
Ward, E. C.	Biloxi	2	10.00
Wells, Will S.	Jackson	3	15.00
Whetstone, J. C.	Biloxi	1	5.00
Whitfield, G. Q.	Jackson	3	15.00
Wiggington, R. D.	Biloxi	4	20.00
Williamson, T. L.	Purvis	3	15.00
Wilson, Chas. D.	Hazlehurst	3	15.00
Windham, E. K.	Booneville	3	15.00
Womack, Edw. L.	Brookhaven	3	15.00
Wynne, Frank	Merigold	5	25.00
Yewell, T. O.	Carrollton	1	5.00
Young, H. D.	New Augusta	4	20.00
Total			$1,980.00

*The members so indicated have given checks which have been returned unpaid covering one or more years' dues.

Schedule A-3

MISSISSIPPI STATE BAR

Schedule of Returned Checks Held for Redeposit at May 30, 1937

Judicial District	Name	Address	Years Covered	Amount
8	S. B. Cooper	Philadelphia	1—1932-33	$ 5.00
13	Jos. H. Moss	Raleigh	1—1932-33	5.00
8	John Q. Hunter	Union	1—1932-33	5.00
14	John E. Davis	McComb	1—1933-34	5.00
8	Ben F. Coursey	Decatur	1—1933-34	5.00
14	D. M. Miller	Hazlehurst	1—1933-34	5.00
7	W. G. Boyett	Jackson	1—1934-35	5.00
7	Will P. Searcy	Jackson	1—1935-36	5.00
13	L. V. Tullos	Raleigh	1—1935-36	5.00
13	J. D. Martin	Raleigh	3—1933-34, 1934-35 and 1935-36	15.00
2	H. H. Evans	Gulfport	5—1932-33, 1933-34, 1934-35, 1935-36 and 1936-37	25.00
8	W. I. Munn	Newton	1—1935-36	5.00
5	J. E. Eudy	Eupora	1—1935-36	5.00
15	L. C. Bridges	Purvis	2—1935-36 and 1936-37	10.00
10	C. C. Johnson	Meridian	1—1936-37	5.00
7	Sid Powell	Canton	1—1936-37	5.00
7	H. C. Stringer	Jackson	1—1936-37	5.00
1	C. B. Hutchinson	Tupelo	1—1936-37	5.00
	Total			$125.00

1937 DIRECTORY
MISSISSIPPI STATE BAR

Abernathy, H. B., Houston
Abernathy, Thos. G., Okolona
Adam, C. B., Pass Christian
Adam, E. J., Pass Christian
Adam, E. J., Jr., Pass Christian
Adams, B. C., Hattiesburg
Adams, Geo. Lawrence, Natchez
Adams, J. Hermon, Raymond
Adams, J. J., Clarksdale
Adams, J. J., Jr., Clarksdale
Adams, J. L., Quitman
Adams, L. M., Jackson
Adams, M. T., Tupelo
Adams, W. C., Corinth
Alcorn, W. A., Jr., Clarksdale
Alderman, J. E., Leakesville
Aldridge, John Edw., Winona
Alexander, H. Chalmers, Jackson
Alexander, James A., Jackson
Alexander, Julian P., Jackson
Alexander, M. L., Picayune
Alexander, W. B., Jr., Cleveland
Alford, J. M., Tylertown
Alford, S. M., Jackson
Allen, B. B., Indianola
Allen, J. F., Kosciusko
Allen, Joe Frank, Kosciusko
Allen, John Percy, Kosciusko
Allen, N. R., Shaw
Allen, Paul, Belmont
Allen, Percy W., Indianola
Allen, T. D., Jr., Shaw
Allen, Ward, Greenwood
Ames, Chas. F., New York City
Amis, A. B., Meridian
Amis, A. B., Jr., Newton
Amis, Marshall W., Meridian
Anderson, Cephus, Hattiesburg
Anderson, Charles, Columbus
Anderson, D. M., Newton
Anderson, Fred A., Gloster
Anderson, G. D., Hattiesburg
Anderson, John R., Tupelo
Anderson, L. D., Sumner
Anderson, R. B., Port Gibson
Anderson, S. V., Greenville
Anderson, W. D., Jackson
Anderson, W. H., Ripley
Andrews, Charles C., Grenada
Andrews, Landon C., Oxford
Antoon, Edw. J., Greenwood
Armstrong, John T., Hazlehurst
Arnold, Roy, Jackson
Arrington, James D., Collins
Arrington, Joe Drake, Gulfport
Arrington, John H., Monticello
Arrington, R. O., Crystal Springs
Austin, B. G., Jackson
Austin, H. L., Jackson
Averill, Wm. P., Oxford
Avery, Ralph B., Jackson
Ayers, S. N., Ripley

Babendreer, Eleanore, Gulfport
Backstrom, J. W., Leakesville
Backstrom, Oscar, Gulfport
Bacon, Wm. Arthur, Durant
Baddly, Hugh M., Water Valley
Bailey, Pryor S., Oxford
Bailey, T. L., Meridian
Baker, B. H., Hattiesburg
Banks, Geo. H., Newton
Bankston, W. L., Tunica
Barbee, J. W., Hernando
Barbour, Jeptha, Yazoo City
Barbour, J. F., Yazoo City
Barbour, J. S., Jackson
Barbour, Wm. Henry, Yazoo City
Barksdale, Henry, Jackson
Barlow, E. C., Brookhaven
Barnett, Arden, Jackson
Barnett, O. H., Jr., Carthage
Barnett, Ross R., Jackson
Barnett, Tom J., Carthage
Barrett, Pat M., Lexington
Bates, S. Lyle, Cleveland
Batson, Alpheus, Bothwell
Batson, W. C., Wiggins
Bayless, H. L., Jr., Bay Springs
Beach, John Sidney, Tibbee
Bass, Rhoda Catherine, Hazlehurst
Bean, George, Okolona
Beard, W. A., Jr., Laurel
Belk, Fred M., Holly Springs
Belk, Wm. D., Holly Springs
Bell, A. H., Greenwood
Bell, B. F., Starkville
Bell, Fulton, Greenville
Bell, James W., Jr., Tunica
Bell, Percy, Greenville
Bennett, R. E., Meadville
Benson, Homer F., Fulton
Benson, Isaac D., Vicksburg
Berman, Jos. E., Lexington
Berry, O. L., Mendenhall
Berry, S. B., Hattiesburg
Bertrand, Ruth L., Hattiesburg
Bickerstaff, R. O., Gulfport
Bilbo, Theo. G., Poplarville
Bishop, R. J., Hattiesburg
Black, E. C., Marks
Blackburn, D., Conehatta
Blair, W. A., Tupelo
Blissard, Tom L., Houston

Bloomfield, Horace, Gulfport
Blount, James A., Charleston
Bogen, Edw. J., Greenville
Boggan, J. W. P., Tupelo
Bolton, C. R., Tupelo
Bonelli, Albert M., Vicksburg
Boone, E. E., Marks
Booth, Richard B., Aberdeen
Bourdeaux, R. M., Meridian
Bowdre, P. H., Hernando
Boydstun, R. W., Louisville
Boyett, W. G., Jackson
Boykin, Mack L., Vaiden
Boyles, J. B., Batesville
Bozeman, Albert S., Jr., Meridian
Bozeman, A. S., Meridian
Braden, Wm., Jr., Natchez
Bradford, J. W., Itta Bena
Bradshaw, F. W., Jackson
Brady, B. M., Jackson
Brady, Tullius, Brookhaven
Brady, T., Jr., Brookhaven
Brady, Thos. P., Brookhaven
Bramlette, David C., Woodville
Bramlette, Maxwell, Woodville
Brandon, G. H., Natchez
Brandon, Gerard, Natchez
Brandon, J. M., Natchez
Brannon, Mary Sue, Winona
Brantley, Z. A., Louisville
Bratton, C. A., Oxford
Bratton, Thos. S., Jackson
Breland, J. J., Sumner
Brennan, E. F., Brookhaven
Brett, M. D., Jackson
Brewer, Dan C., Clarksdale
Brewer, Earl, Jackson
Brewer, Ed. C., Clarksdale
Brewer, Norman C., Greenwood
Bridgforth, Allen, Yazoo City
Bridges, L. C., Purvis
Britt, Geo. Thos., Jackson
Britton, E. H., Macon
Broach, Walker, Jr., Meridian
Broadus, A. Q., Purvis
Broadway, L. J., Meridian
Brocato, V. J., Clarksdale
Brooke, Akin, Meridian
Brooks, J. M., Clarksdale
Brooks, Rodney, Clarksdale
Broom, S. C., Jackson
Brown, A. L., Rolling Fork
Brown, Berry D., Sidon
Brown, Chas. Scott, Gulfport
Brown, D. W., Fulton
Brown, G. N., Bay Springs
Brown, J. H., Fulton
Brown, Jas. T., Jackson
Brown, Jos. E., Natchez
Brown, Lucille, Jackson
Brown, L. W., Starkville
Brown, M. D., DeKalb
Bruce, Arthur, Greenwood
Brumby, J. H., Jackson
Brunini, Alexander J., Vicksburg
Brunini, E. L., Vicksburg
Brunini, J. B., Vicksburg
Bryan, Harry M., Jackson
Bryant, Clifton E., c/o Fed. Land Bank, New Orleans
Bryant, Rae, Gulfport
Buchanan, Frank J., Amory
Buchanan, Harry, Hattiesburg
Buchanan, James R., Laurel
Buckley, J. Emmett, Enterprise
Buckley, John L., Enterprise
Buffington, J. V., Meridian
Bullard, Wm. D., Pascagoula
Bullard, R. L., Hattiesburg
Buntin, R. R., Gulfport
Burgin, D. A., Columbus
Burdette, W. F., Richton
Burkett, John G., Jackson
Burnaman, C. Frederic, Jackson
Burns, Jas. A., Meridian
Burns, Robert, Jr., Brandon
Busby, A. G., Waynesboro
Busby, Jeff, Houston
Bush, M. M., Hattiesburg
Butler, Geo. H., Jackson
Butler, John Sharp, Quitman
Butts, Dr. A. B., University
Byars, W. Vance, Oxford
Byrd, A. M., Meridian
Byrd, J. L., Jackson
Byrd, Joe G., Meridian
Byrd, J. M., Leakesville
Byrd, T. H., Lucedale
Byrd, W. A., Newton
Byrnes, C. F., Natchez

Cain, S. Robert, Canton
Caldwell, J. H., Charleston
Caldwell, J. H., Jr., Charleston
Caldwell, Thos. P., Cleveland
Calhoun, Edwin, Jackson
Calhoun, Edwin L., Mount Olive
Calhoun, Leonard J., Jackson
Calhoun, Robt. L., Mount Olive
Callendar, Bernard, Columbia
Cameron, Ben F., Meridian
Cameron, Chas. B., Meridian
Campbell, A. C., Sumner
Campbell, Chas. S., Jackson
Campbell, J. E., Laurel
Campbell, Geo. H., Yazoo City
Campbell, T. H., Yazoo City
Campbell, T. H., Jr., Yazoo City
Campbell, Virginia Ruth, Yazoo City
Canizaro, Jack, Vicksburg
Canizaro, P. C., Vicksburg
Cannon, L. C., Tunica
Cannon, R. L., Sumner
Capers, W. W., Jackson

Caradine, J. E., West Point
Carballo, J. L., Kosciusko
Carlton, L. K., New Albany
Carmichael, Benj. B., Greenville
Carney, K. A., Clarksdale
Carothers, A. M., Grenada
Carr, J. M., Newton
Carr, J. V., Laurel
Carruth, John Ellzey, McComb
Carter, B. F., Laurel
Case, A. B., Waynesboro
Case, C. C., Jackson
Case, H. F., Quitman
Casey, Offa Lunsford, Laurel
Cassedy, J. W., Brookhaven
Cassidy, J. J., McComb
Catchings, O. W., Woodville
Catoe, E. V., Jr., Webb
Causey, H. F., Cleveland
Cauthen, Nelson H., Canton
Chadwick, Carl, Jackson
Chambers, Paul, Jackson
Chaney, A. A., Vicksburg
Chatham, Gerald W., Hernando
Cheney, Reynolds S., Jackson
Childress, W. M., Jackson
Churchwell, W. C., Leakesville
Clark, A. B., Indianola
Clark, Chas. E., Ocean Springs
Clark, Frank, Waynesboro
Clark, G. C., Waynesboro
Clark, John A., DeKalb
Clark, J. O., Iuka
Clark, Lester, Hattiesburg
Clark, T. A., Iuka
Clarke, E. S., Hollandale
Clayton, Claude, Tupelo
Clayton, Hugh N., New Albany
Clayton, S. P., Tupelo
Clayton, W. L., Meridian
Clements, E. C., Rolling Fork
Clements, W. H., Rolling Fork
Cleveland, Arthur T., Fulton
Cochran, Hunter C., Holly Springs
Cofer, Kermit R., Water Valley
Cohn, A. A., Brookhaven
Cole, James E., Silver Creek
Coleman, Edw. F., Purvis
Coleman, A. Jerry, Vaiden
Coleman, J. M., Aberdeen
Collins, F. B., Laurel
Collins, Jeff, Laurel
Collins, Ross A., Meridian
Collins, Robert W., Jackson
Colmer, Wm. M., Pascagoula
Colson, J. G., Greenwood
Conger, J. W., Winona
Conn, W. D., Corinth
Conn, W. D., Jr., Asst. Attorney General, Jackson
Conner, Claude E., Columbia
Conner, Dudley W., Hattiesburg
Conner, M. S., Jackson
Conner, Mrs. Evelyn H., Bay St. Louis
Coody, A. S., Jr., Jackson
Cook, Everett E., Gulfport
Cook, Sam, Jr., Clarksdale
Cook, W. H., Jackson
Cook, W. H., Jr., Jackson
Cooley, D. B., Laurel
Cooper, A. W., Forest
Cooper, E. B., Laurel
Cooper, Forrest G., Indianola
Cooper, J. E., Purvis
Cooper, Milton, Philadelphia
Cooper, R. D., Meridian
Cooper, S. B., Philadelphia
Corban, L. C., Biloxi
Corban, R. L., Fayette
Corban, R. L., Jr., Fayette
Corey, Lyle V., Meridian
Corley, W. U., Collins
Cossar, Geo. P., Charleston
Cottrell, David, Jr., Gulfport
Coursey, B. F., Decatur
Cousins, Geo. B., Jr., Biloxi
Covington, A. W., Quitman
Covington, J. A., Jr., Meridian
Cowan, R. C., Gulfport
Cowart, C. F., Meadville
Cox, Allen, Baldwyn
Cox, Chas. S., Jackson
Cox, Robt. H., Jackson (Vets. Admr.)
Cox, W. A., Marks
Cox, W. H., Baldwyn
Cox, W. M., Baldwyn
Cox, Wm. H., Jackson
Craggs, C. J., Cleveland
Crawford, Marvin, New Albany
Crawley, David E., Kosciusko
Crawley, Jas. T., Kosciusko
Creekmore, H. H., Jackson
Creekmore, Wade H., Jackson
Crisler, Bert, Jackson
Crisler, J. Dunton, Clarksdale
Crisler, John W., Clarksdale
Critz, Frank A., West Point
Crum, Chas. Lee, New Albany
Crump, C. H., Cleveland
Culkin, John H., Vicksburg
Cunningham, F. W., Booneville
Cunningham, James A., Booneville
Cunningham, J. E., Booneville
Currie, Dan T., Hattiesburg
Currie, E. Alexander, Hattiesburg
Currie, E. J., Jr., Hattiesburg
Currie, Geo. W., Hattiesburg
Currie, Homer, Raleigh
Currie, J. H., Meridian
Currie, Neil T., Hattiesburg
Curtis, Chester Harris, Clarksdale
Cutrer, R. W., Magnolia

Dabney, F. Y., Vicksburg

Dabney, J. B., Vicksburg
Dabney, L. B., Vicksburg
Dabney, Moncure, Vicksburg
Dailey, Louis I., Jackson
Dale, R. H., Columbia
Dale, Sebe, Columbia
Dale, T. Price, Hattiesburg
Daniel, G. O., Starkville
Darden, R. A., Jackson
Darden, Tom Leslie, New Albany
Davidson, Harold W., Oxford
Davis, D. P., DeKalb
Davis, Edwin D., Fayette
Davis, E. W., Port Gibson
Davis, Howard Q., Indianola
Davis, J. E., Hattiesburg
Davis, James L., Jr., Louisville
Davis, John E., McComb
Davis, Jeff, Indianola
Davis, S. F., Indianola
Davis, T. B., Columbia
Davis, T. W., Purvis
Davis, T. W., Jr., Purvis
Davis, Walter Dell, Winona
Davis, W. H., Jackson
Davis, W. S., Waynesboro
Daws, J. H., DeKalb
Day, Icey W., Kosciusko
Day, J. O., Tutwiler
Day, R. H., Decatur
Dean, Hermon, Canton
Dean, J. F., Senatobia
Deavours, Jack, Laurel
Deck, W. I., Jackson
Dedeaux, O. J., Gulfport
Denman, R. D., Greenwood
Dennis, Glender, Ellisville
Denny, W. M., Jackson
Dent, E. L., Collins
Dent, J. R., Gulfport
Dent, R. L., Vicksburg
Dent, W. W., Collins
Denton, C. L., Meridian
Denton, P. L., Marks
Diamond, Harry, Greenwood
Dinsmore, R. R., Jackson
Dixon, T. Vincent, Senatobia
Doggett, Grover, Sandersville
Donald, Wm. D., Moorhead
Dorsey, Newman McCoy, Water Valley
Dossett, W. D., Beulah
Doty, Bennett J., Biloxi
Doty, L. H., Biloxi
Doty, Walter S. P., Grenada
Dovith, Melvin, Rolling Fork
Downs, A. B., Arcola
Doxey, Hindman, Holly Springs
Doxey, Wall, Holly Springs
Drake, Carl F., Durant
Drake, J. T., Port Gibson
Dudley, Colbert, Forest
Dulaney, J. W., Tunica
Duncan, B. A., Meridian
Dunn, Allee, Jackson
Dunn, A. C., Meridian
Dunn, Edwin A., Meridian
Dunn, J. L., Meridian
Dunn, J. Thos., HOLC, Jackson
Dunn, Vardaman S., Jackson
Dunning, F. S., Canton
Dye, Bradford, Charleston

Eager, P. H., Jr., Jackson
East, J. R., Brandon
Easterling, Albert E., Laurel
Easterling, Lamar F., Jackson
Easterling, W. R., Fayette
Eastland, J. O., Ruleville
Eastland, W. C., Ruleville
Eaton, B. E., Gulfport
Eaton, B. E., Jr., Gulfport
Eaton, Jas. S., Gulfport
Edmonds, Henry, Jackson
Edwards, A. K., Mendenhall
Edwards, A. M., Mendenhall
Edwards, J. P., Mendenhall
Edwards, W. M., Shubuta
Elliott, Benton W., Ripley
Ellis, W. A., Carthage
Ellis, W. B., Iuka
Elmer, F. W., Jr., Biloxi
Engle, C. F., Natchez
Enochs, DeWitt C., Jackson
Enochs, J. L., Jr., Jackson
Estes, Wm. M., Enterprise
Estopinal, Wm., Gulfport
Ethridge, Eugene B., Jackson
Ethridge, F. K., Meridian
Ethridge, George H., Jackson
Ethridge, Geo. M., Jr., Meridian
Ethridge, W. N., Houston
Ethridge, Wm. N., Jr., Oxford
Eudy, J. E., Eupora
Evans, C. C., Laurel
Evans, H. H., Gulfport
Evans, W. J., Calhoun City
Everett, Frank E., Indianola
Everett, Frank E., Jr., Greenwood
Everett, W. M., Decatur
Everitt, H. B., Pascagoula
Everitt, Robt. D., Ruleville
Ewing, Jack H., Liberty
Ewing, T. G., Jr., Vicksburg

Falkner, J. W. T., Oxford
Falkner, J. W. T., IV., Oxford
Falkner, M. C., Jackson
Fant, Herbert, Sardis
Fant, Lester G., Holly Springs
Fant, Lester G., Jr., Holly Springs
Farish, H. P., Greenville
Farley, Dr. R. J., Tulane, N. O.
Farrell, Herbert D., Clinton
Fatheree, J. D., Quitman

Featherston, D. M., Holly Springs
Featherstone, F. M., Indianola
Feduccia, Jos. C., Cleveland
Feld, N. B., Vicksburg
Felder, Luther W., McComb
Felner, Sol, Vicksburg
Felts, Holland O., Greenville
Fewell, Will, Meridian
Finch, Henry L., Laurel
Finch, J. D., Iuka
Finch, J. S., Booneville
Fink, Alvin E., Clarksdale
Finley, J. A., Tupelo
Fischel, E. C., Hattiesburg
Fitzgerald, Gerald, Clarksdale
Fleming, James S., Natchez
Flowers, H. Grady, Jackson
Flowers, J. N., Jackson
Floyd, Earle N., Jackson
Floyd, Jason H., Senatobia
Floyd, J. C., Meridian
Floyd, L. R., Magee
Folmer, Frank P., Forest
Fontaine, J. B., Pontotoc
Fontaine, W. B., Jackson
Foot, A. K., Canton
Foote, Lawrence Y., Hattiesburg
Ford, A. L., Ackerman
Ford, E. J., Pascagoula
Ford, E. J., Jr., Gulfport
Ford, J. H., Houston
Ford, J. I., Pascagoula
Ford, R. C., Greenwood
Ford, R. D., Columbia
Forman, J. M., Indianola
Fountain, D. G., Jackson
Fox, John H., University
Franck, Mrs. Ruth, Jackson
Franklin, J. B., Jackson
Franklin, J. E., Jackson
Franklin, Lester C., Wash., D. C.
Franks, Donald, Wheeler
Frazier, T. A., Clarksdale
Friday, J. E., Booneville
Frierson, John F., Columbus
Fuller, Henry H., Laurel
Fulton, Aubrey D., Jackson

Gaines, O. T., Iuka
Galloway, Chas. Rush, Gulfport
Galloway, J. F., Gulfport
Gandy, George, Collins
Gardner, A. F., Greenwood
Gardner, A. F., Jr., Greenwood
Gardner, Hanun, Gulfport
Garner, Martin, Tunica
Garnett, C. L., Columbus
Garraway, J. S., Hattiesburg
Garraway, J. T., Purvis
Garth, J. Hunter, Hazlehurst
Gartin, Carroll, Laurel
Gaston, Chester D., Columbus
Gautier, H. W., Pascagoula
Gee, W. F., Clarksdale
Geisenberger, W. A., Natchez
Genin, R. L., Bay St. Louis
Gerald, Eugene, Leland
Gex, E. J., Bay St. Louis
Gex, Lucien M., Bay St. Louis
Gex, W. J., Bay St. Louis
Gibson, C. E., Monticello
Gilbert, Colin O., Winchester
Gilbert, J. M., Cleveland
Gilbert, V. W., Meridian
Gillespie, Hugh B., Raymond
Gillespie, Hugh B., Jr., Raymond
Gillespie, R. G., Meridian
Gillis, J. K., Philadelphia
Gipson, J. R., Meridian
Gipson, J. V., Meridian
Glass, D. H., Kosciusko
Gober, Curtis A., Iuka
Good, V. W., Vicksburg
Goodman, F. C., Biloxi
Gordon, Chas. M., Jackson
Gordon, C. T., Liberty
Gordon, Joe D., Liberty
Gore, T. N., Marks
Gore, W. E., Jackson
Goss, B. J., Columbia
Goss, Roy J., Columbia
Graham, D. M., Gulfport
Graham, D. M., Jr., Gulfport
Graham, H. M., Meridian
Graham, J. H., Meridian
Graham, Margaret Jones, Jackson
Graham, S. M., Meridian
Grant, Leslie B., Biloxi
Grantham, R. Gordon, Terry
Grantham, Levi, Hattiesburg
Greaves, C. B., Flora
Greaves, H. B., Canton
Greaves, J. M., Pocahontas
Greaves, P. D., Gulfport
Green, B. A., Mound Bayou
Green, E. H., Cleveland
Green, Garner W., Jackson
Green, Garner W., Jr., Jackson
Green, Jess D., Tupelo
Green, John D., Jr., Jackson
Green, J. W., Jackson
Green, Marcellus, Jackson
Green, Marcellus Calhoun, Jackson
Greer, Winnie, Jackson
Grice, L. E., Crystal Springs
Griffing, D. Q., Shelby
Griffing, Homer B., Bude
Griffith, Virgil A., Gulfport
Guice, W. L., Biloxi
Guider, B. A., Vicksburg
Gully, J. B., Jackson
Guy, T. A., Greenwood
Guynes, J. F., Hazlehurst
Guyton, J. D., Kosciusko

Guyton, T. P., Kosciusko
Gwin, Lawrence P., Natchez
Gwin, Lucien C., Natchez
Gwin, Samuel L., Greenwood

Hafter, Jerome S., Greenville
Hairston, Brown C., Crawford
Hairston, J. M., Jackson
Hakes, Doris D., Rolling Fork
Hall, Francis L., Tupelo
Hall, H. G., Jackson
Hall, Lee D., Columbia
Hall, R. S., Hattiesburg
Hall, Toxey, Columbia
Hallam, L. C., Cleveland
Haman, Thos. L., Houston
Hamilton, Geo. S., Jackson
Hamlin, James E., West Point
Hamlin, Wilber G., West Point
Hammond, Kelly J., Columbia
Hamner, W. M., Greenwood
Hannah, T. C., Hattiesburg
Haralson, William, Hattiesburg
Hardy, W. F., Jackson
Hardy, R. R., Jackson
Harmon, Hunter, Meridian
Harper, A. Y., Jackson
Harper, Frank H., Hattiesburg
Harper, Matthew, Jr., McComb
Harrell, John Kirby, McComb
Harrison, B. P., Washington, D. C.
Hartley, C. D., Columbus
Hartley, T. A., St. Louis, Mo.
Harty, Emmet, Greenville
Harwell, Emerson, Meridian
Harwell, J. D., Pachuta
Harwell, J. E., Meridian
Harwell, J. M., Meridian
Hathorn, C. V., Columbia
Hathorn, F. C., Poplarville
Hathorn, F. C., Jr., Hattiesburg
Hathorn, Hoy, Louisville
Hatten, W. J., Sumrall
Hauberg, Robt. E., Jackson
Hawkins, Frank L., Vaiden
Haydon, Chas. R., Gulfport
Hayes, Mrs. Chas. M., Hattiesburg
Hayes, George L., Wesson
Hearst, A. A., Hattiesburg
Heckler, Willie J., Indianola
Hedgepeth, T. H., Fed. Land Bank, New Orleans
Heidelberg, Cecil F., Jr., Jackson
Heidelberg, D. W., Shubuta
Heidelberg, H. P., Pascagoula
Heidelberg, M. L., Waynesboro
Heidelberg, R. W., Hattiesburg
Heiss, J. L., Gulfport
Heiss, J. L., Jr., Gulfport
Hemingway, William, University
Hendrick, Leon F., Jackson
Hendrix, Thos. D., Jackson
Hengen, Louis, Biloxi
Henley, W. S., Hazlehurst
Hennington, Lamar, Hattiesburg
Henry, W. A., Yazoo City
Herbert, Lon D., Oxford
Herring, Geo. B., Canton
Herring, Lee H., Ruleville
Hester, Clyde L., Jackson
Hewes, Gaston H., Gulfport
Hewes, William G., Gulfport
Hewitt, F. D., McComb
Hewitt, Wm. H., Jackson
Hibbler, Stacy, West Point
Hickman, J. M., Edwards
Hiemelstern, Benedict, Moorhead
Higgins, John B., Jackson
Hilbun, Henry, Laurel
Hilbun, Henry, Jr., Laurel
Hill, C. E., Hattiesburg
Hill, Wiley C., Washington, D. C.
Hillman, J. B., Philadelphia
Hilton, R. T., Jackson
Hindman, E. E., Jackson
Hinds, Robt. L., Tupelo
Hirsch, J. K., Vicksburg
Hobbs, H. W., Jackson
Hobbs, W. E., Moorhead
Hoffman, C. L., Gulfport
Holcomb, Pascal D., Clarksdale
Holden, Cassedy, Jackson
Holesapple, Newson, Columbus
Holloman, Frank C., Ruleville
Holloman, John H., Columbus
Holloway, C. D., Jackson
Holmes, D. B., Jr., Meridian
Holmes, D. W., Hattiesburg
Holmes, E. R., Yazoo City
Holmes, E. R., Jr., Jackson
Holmes, F. C., Hernando
Holmes, G. M., Aberdeen
Holmes, Herbert, Senatobia
Holmes, H. T., Winona
Holmes, J. G., Yazoo City
Holmes, R. M., Meridian
Holmes, W. F., Jr., Yazoo City
Hood, Josephine, Canton
Hopkins, Hugh Sam, Lula
Hopkins, Joseph W., Clarksdale
Hopkins, Thos. G., Louisville
Hopper, H. A., Corinth
Horan, John, Water Valley
Horan, Leo, Jackson
Horne, F. R., Jackson
Hornsby, Oliver M., Natchez
Horton, Cowles, Grenada
Horton, Kenneth D., Jackson
Horton, William T., Jackson
Hosey, G. W., Laurel
Houston, D. W., Aberdeen
Houston, D. W., Jr., Aberdeen
Howard, Perry W., Washington, D. C.
Howie, J. H., Jackson

Howie, Joseph, Jackson
Howie, Virgil, Jackson
Howorth, Jos. M., Washington, D. C.
Howorth, Lucy S., Washington, D. C.
Huber, H. T., Canton
Huff, J. Knox, Forest
Hughes, Frank K., Kossuth
Hughes, J. B., Moorhead
Hulen, Eliz. W., Jackson
Hunt, F. M., Hattiesburg
Hunt, Mrs. Nell W., McComb
Hunter, J. Q., Jr., Union
Hutchison, C. B., Tupelo
Hutchison, J. T., Summit
Hutto, A. C., Gulfport
Hutto, W. M., Waynesboro
Hutton, J. B., Jr., Jackson

Inman, C. E., Jackson
Inzer, William H., Pontotoc
Irby, P. Eugene, Jr., Holly Springs

Jaap, C. O., Jr., Jackson
Jack, E. E., Scooba
Jackson, F. B., Jackson
Jackson, Robert E., Cleveland
Jackson, William F., McComb
Jacobson, Gabe, Meridian
Jaggers, Boudie A., Pontotoc
James, William Howard, Montrose
James, W. W., Newton
Jaquess, C. A., Tunica
Jarratt, Hill, West Point
Jayne, R. L., Greenville
Jiggitts, Louis, Jackson
Johnson, C. C., Meridian
Johnson, C. E., Union
Johnson, D. R., Batesville
Johnson, Elbert, Indianola
Johnson, Harper, Senatobia
Johnson, H. H., Lexington
Johnson, Joseph E., Batesville
Johnson, J. L., Pittsboro
Johnson, O. W., Prentiss
Johnson, Paul, Hattiesburg
Johnson, W. A., Newton
Johnston, Albert S., Jr., Gulfport
Johnston, H. Grady, Hernando
Johnston, Means, Greenwood
Johnston, Thos. H., Corinth
Jones, A. H., Woodville
Jones, Bernard M., Mileston
Jones, Bert H., McComb
Jones, C. J., Waynesboro
Jones, Edw. I., Bay St. Louis
Jones, Ernest P., Jr., Hermanville
Jones, H. F., Belzoni
Jones, L. B., Jackson
Jones, P. Z., Jackson
Jones, R. C., Louisville
Jones, R. L., Brookhaven
Jones, W. Roger, Woodville
Jones, W. V., Laurel
Joor, J. S., Jr., Rolling Fork
Joor, Wm. Walker, Rolling Fork
Jordan, R. A., Greenwood
Jourdan, J. C., Jr., Iuka
Joyner, Ernest Love, Jr., Tupelo

Katz, Andrew D., Hattiesburg
Katzenmeyer, C. Leonard, Vicksburg
Kaufman, M. L., Rosedale
Keady, Wm. C., Greenville
Keaton, Grayson B., Picayune
Keesee, Thos. M., Lula
Kellner, Ernest L., Greenville
Kelly, A. F., Hattiesburg
Kelly, R. M., Vicksburg
Kemp, Carroll, Hazlehurst
Kendall, Henry M., Jackson
Kendall, Jas. T., Jackson
Kennedy, Allen, Magee
Kennedy, Heber, Mendenhall
Kent, Jeff, Forest
Keyer, James H., Natchez
Keys, R. Taylor, Sardis
Kier, W. H., Corinth
Kimbrough, O. L., Greenwood
Kimbrough, T. C., University
Kimmons, R. F., Water Valley
Kincannon, H. V., Tupelo
King, Bee, Mendenhall
King, Benjamin, Hazlehurst
King, S. R., Durant
Kirby, R. H., Clarksdale
Knox, R. H., Jackson
Knox, W. T., Winona
Koonce, Pat, Hattiesburg
Kruse, H. A., Biloxi
Kuykendall, John M., Charleston
Kyle, John W., Sardis

Lackey, Samuel Earl, Jr., Forest
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Lacy, Eugene P., Booneville
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Lamb, Knox, Greenwood
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Landrum, Scott, Kosciusko
Lane, E. M., Raleigh
Lane, Rabian, Jackson
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Leach, H. B., Jackson
Leak, H. C., Woodville
Leathers, James A., Gulfport
Lebrano, J. R., Meridian
Lee, Percy M., Forest
Lee, W. J., Jr., Prentiss
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Lewis, Ida Lou, Hazlehurst
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Lindsay, English, Gulfport
Lindsay, W. E., Gulfport
Lindsay, Winston S., Jackson
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Logan, W. E., Natchez
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Long, C. P., Jr., Gulfport
Long, L. H., Jackson
Long, Sam P., Tupelo
Long, S. H., Tupelo
Longino, A. H., Jackson
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Lott, W. H., Greenwood
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Lowrey, J. T., Gloster
Lowrey, P. H., Marks
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Magruder, J. D., Tunica
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Marshall, Maynard, Paynes
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Pullen, Robt. L., Amory
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Pyle, L. A., Pontotoc

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Roberson, Shed Hill, Clarksdale
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Roberts, W. C., Rosedale
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Robertson, Stokes V., Jr., Jackson
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Ross, Quitman, Laurel
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Rowe, V. D., Winona
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Sanderson, David, Calhoun City
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Satterfield, M. M., Port Gibson
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Sauls, Edw. B., Brookhaven
Savage, James S., Ackerman
Savage, J. W., Gulfport
Saxon, J. B., Waynesboro
Saxon, O. E., Waynesboro
Scarborough, C. P., Sumrall
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Scott, Frank T., Jackson
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Scott, T. W., Eupora
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Sewell, Brown L., Jackson
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Shanks, J. W., Sumrall
Shannon, Chas. R., Laurel
Sharp, E. C., Booneville
Shaw, Geo. E., Jackson
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Shelton, Ernest L., Jackson
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Shields, C. D., Meridian
Shipman, W. A., Jackson
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Shivers, J. C., Poplarville
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Shotts, H. A., Meridian
Siegel, Miss Zelda, Sunflower
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Simmons, Hansford L., McComb
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Simmons, W. W., Cleveland
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Sisson, Chas. A., Clarksdale
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Smallwood, R. L., Jr., Oxford
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Smith, C. C., Richton
Smith, Edw. W., Clarksdale
Smith, E. M., Holly Springs
Smith, Fred B., Ripley
Smith, George R., Pass Christian
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Smith, Lemuel A., Holly Springs
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Smith, L. O., Van Vleet
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Stainton, R. L., Jackson
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Statham, Billy Dan, Fernwood
Steen, R. E., Picayune
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Stevens, Ben, Hattiesburg
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Stevens, J. Morgan, Jackson
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Stone, James, Oxford
Stone, J. P., Coffeeville

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Stone, W. I., Coffeeville
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Street, Oscar, Ripley
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Truly, Jeff, Fayette
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